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HASTINGS

COMMUNITY

UNIVERSITY OF CALIFORNIA

HASTINGS COLLEGE OF THE LAW

AUTUMN 2003



THE HARRY D. SUNDERLAND
DISTINGUISHED PROFESSORSHIP
OF REAL PROPERTY LAW

HASTINGS

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2003-04 National Campaign Chair Harry D. Sunderland, left, with Professor John Lesky, the newly appointed Sunderland Distinguished Professor of Real Property Law. (Photo: Bruce Cook)

LETTER TO ALUMNI

AUTUMN 2003

This is the time of year when annual reports are made, and thus this letter sets out some of the highlights that were presented to our Board of Directors in my annual report on the College during 2002-03. This past academic year we faced some enormous challenges, including a State budget crisis that threatened (and ultimately resulted in) serious reductions in funding, as well as the need to rethink our property development plans for the Golden Gate/Larkin site. On a positive side, the year 2003 marked the College's 125th anniversary and offered an opportunity both for celebrations of how much we have accomplished and reflections about what lies ahead. It was an exciting year; one in which not only did we meet the challenges we faced, but we continued to move ahead in ways that should sustain our ability to succeed in the next 125 years. A few of the accomplishments that characterized the year will illustrate that fact.

THE ACADEMIC PROGRAM

On the faculty front, we were very fortunate to hire Assistant Professor Jeff Lefstin, who has both a Ph.D. in biochemistry as well as a JD and who will be teaching in the intellectual property and contracts fields. His addition rounds out our intellectual property faculty and completes a multi-year search to fill that part of the curriculum. However, I am saddened to report that Professor Louis B. Schwartz died during the past year. He had served as a member of our 65 Club from 1984 to 1997 and was a particularly beloved teacher who will be remembered fondly by large numbers of our alumni.

The scholarly and public service record of the faculty remains outstanding. On a purely quantitative basis, during 2002-03, Hastings faculty members published 26 books, 11 book chapters, 33 book supplements, 28 law review articles, 26 articles for online journals, and 4 book reviews or commentaries. They also delivered some 94 speeches or papers and served as moderators or panelists at 21 different meetings or conferences. It is through these scholarly activities, as well as other volunteer efforts and appointments, that the faculty contributes much needed public service



on important legal issues and continues to enhance Hastings' reputation both near and far.

One of the more exciting additions to our Academic Program this year was the introduction of Hastings' inaugural LL.M. class. The group of 17 lawyers from around the world added immeasurably to the College, forming lasting friendships and sharing their different experiences with Hastings faculty, staff, and students. We are off to a very strong start, and Hastings can look forward to the growth of the program in the future.

Two other segments of our academic program also deserve special mention. In our **Moot Court Program**, our extramural competition teams had their best success yet, winning five National Championships, four Regional Championships, the designation of Best Oral Advocate Team for the Traynor State Championship, and many other oral and brief awards. Indeed, in the Jessup International Competition, one of the Hastings students was designated the Eighth Best Advocate in the world!

The **Public Law Research Institute** also had a banner year. Its sixth annual conference, held in conjunction with the League of California Cities Municipal Law Institute, was entitled "Public Lawyers and the Public Interest," and was a great success. The Honorable Ming Chin of the California Supreme Court was the keynote speaker, and former White House Counsel John Dean was the luncheon speaker. The Institute also began implementing plans related to its expansion into the Center for

State and Local Government Law. These included organizing, in cooperation with the Senate Office of Research, the first of a series of forums in Sacramento for legislative staff on legal issues facing the State; the development of a new Legislation Clinic to be offered in Sacramento in 2004; and the publication of two new pieces: an annual newsletter, *PLRI: Year in Review*, and a series entitled *PLRI Issue Briefs*, which provide short overviews of selected projects.

SUPPORT SERVICES

While there are numerous examples throughout the support services areas of how our staff managed to do more with less, a few departments' achievements may be of particular interest to alumni.

First, in **Admissions**, Hastings saw an increase of some 14% in the number of applications, for an all-time high of 6,916. Approximately 51% of those applications were submitted electronically. A story of a few of the remarkable people who are in the class appears on page 12.

Despite the fact that **Career Services** confronted an ongoing economic downturn, the office managed to have several achievements to celebrate. These included a healthy nine-month-out employment rate of 93% for the 2002 class and the growth of the Alumni Mentor Program to heretofore unseen levels with some 550 mentors. One interesting employment trend that may reflect the market was an increase in the number of students going into smaller firm practice: 20% of the 2002 class went to work for firms with 25 or fewer attorneys, compared to 12% from the previous class.

Expanded use of the Internet characterized some offices' activities this year. Thus, the **Records** office completely revamped its Web presence, eliminating many of its paper-based publications. In addition, as the first step toward developing online registration, the office implemented "WebAdvisor," making grades, schedules, and graduation applications available to students via the Web. Similarly, the **Student Information Center** successfully implemented an online room-reservation request form. By next year we hope to have course registration totally online.

CAMPUS ENVIRONMENT

Planning for the development of the campus this year focused on three areas. First, with State bond funding, planning was done in connection with the renovation of 200 McAllister, our Faculty Office/Library building. This next year will entail the architectural design phase. Second, the originally proposed scope of work to be done at McAllister Tower was reviewed and reduced to eliminate the new student apartments and limit some other elements, but achieve the fire-life/safety work necessary. This work, which requires approximately \$8.6 million to accomplish, was financed through the issuance of Hastings bonds. Work is to start in early fall. The third area involved possible plans for the property on Golden Gate and Larkin. The Blue Ribbon Commission, which was appointed by the Board in the fall 2002 to study possibilities, ultimately recommended in March two options. The preferred one was that the College investigate the feasibility of a joint venture with the YMCA to build a mixed-use building that would house athletic facilities and community space, some student housing, ground-floor commercial spaces, and parking. If that were not feasible, then it recommended that the College investigate the feasibility of a student housing/parking facility. The Board approved having staff pursue the first option immediately and, in June, the YMCA and Hastings jointly selected an architectural firm, Fong and Chan, to develop preliminary plans to allow a feasibility assessment to be made. That work will be ongoing this next year.

EXTERNAL RELATIONS:

ALUMNI AND PUBLIC AFFAIRS

Alumni Relations presented some 42 programs, attended by almost 3,225 alumni, students, faculty, and friends. These included some 23 events sponsored by our 13 active alumni chapters, four receptions in areas where there are no local chapters—Monterey, Bakersfield, Sonoma, and Phoenix—and numerous student receptions, parties, and awards ceremonies. Without a doubt, the most highly visible event this past year, however, was the Founder's Day luncheon at which the College celebrated its 125th birthday. There was a special address from UC President Richard Atkinson, followed by the Attorneys General Forum, which was taped for later televised broadcast by C-SPAN. Some 450 guests attended the Forum. It was a great celebration and a banner year!

The Public Affairs Department completed two special projects that were especially successful. The first was a suite of materials for Career Services to market our program and students to potential employers. Those materials were published in November and have been most helpful as the office increases its efforts to expand employment opportunities for our students and graduates. The second project was the special supplement commemorating the College's 125th Anniversary, published in the February 26, 2003, *San Francisco Daily Journal*. In addition to appearing as part of the newspaper, it was mailed separately to all alumni and friends who receive the *Hastings Community*. Various offices—Admissions, Career Services, etc.—also used copies on recruiting trips. Providing both a pictorial and written review of the College's history, as well as highlighting special achievements in the last 25 years, the piece has received very positive reviews and was a fitting way to capture such a special anniversary. On the media front, the office issued some 36 press releases and answered some 260 media inquiries. Hastings national print media mentions also were at an all-time high of 712. As in the past, Hastings faculty were a key to that success, responding to inquiries about issues ranging from the Ninth Circuit's Pledge of Allegiance decision, to the Barry Bonds baseball case, to the conspiracy-to-obstruct-justice charges filed against the SF Police by the District Attorney. It is clear that the media view Hastings faculty as an excellent expert source on the many and varied legal issues that continue to emerge.

FISCAL AND ADMINISTRATIVE SERVICES

This past year has been a particularly busy one for Fiscal Services. By far most significant, the decision to issue Hastings bonds in connection with the renovation of McAllister Tower required the College to go through a bond-rating process that entailed an extensive review of all of our programs, plans, and financial data over several years. The review was extremely successful, and Moody's gave Hastings an A2 rating and an A1 rating for the Series 2003 Bonds. These ratings were very strong, particularly given that this was our first entry into the capital markets, on a small issuance, and at a time when the State's credit rating is dropping, indeed now is lower than ours. The bonds were bid competitively, and they were all purchased before they were offered on the open market. It was gratifying to find that

outside third parties share our confidence in both our present and our future.

The final department highlighted in this column is **Technology Services**, which, given the ubiquitous use of technology throughout the College, is at the center of many important initiatives. A listing of a few special projects they undertook illustrates the breadth and depth of their work. For example, the department installed "WebAdvisor" software during the spring, giving students access to course schedules, course listings, graduation requests, and grades/transcripts via the Web. The department developed a system for importing LSDAS applications and LSAT scores into the College via electronic file transfer, which resulted in improved and more timely admissions services and established an Automated Clearing House refund system for student fiscal services to process refund checks. A wireless network also was established throughout most student-accessible areas in both the 198 and 200 buildings. The usage of the network has been phenomenal; more than 50% of the students used wireless Internet access during the spring semester, with peaks of 400 students per day connecting to it. As a result of that success, a pilot wireless project was tried on one floor of McAllister Tower, also with great success, and the network will be extended in that building this next year. The department also presented a semester-long series of technology workshops called "The Best of . . . Teaching With Technology" to further enhance the faculty's knowledge about available tools.

CONCLUSION

While the challenges of stringent State finances in many ways made for a difficult year and slowed the pace of some planned improvements, what is impressive in looking at this past year is how much, nonetheless, was accomplished. The opportunity to reflect on how far we have come that was provided by our 125th Anniversary celebrations was most timely and inspirational. It allowed us to reflect with pride on all that has come before us and to believe that our hopes for the future are clearly attainable. The many achievements that were made confirm that belief.

Mary Kay Kane

Mary Kay Kane
Chancellor and Dean

CAMPUS NOTES

Fujisaki, Simon Appointed to Hastings' Board of Directors

Gov. Gray Davis in September appointed two new members to Hastings' Board of Directors, the College's governing body.

Carin Fujisaki is a staff attorney for Justice Marvin R. Baxter ('66) of the



California Supreme Court. A 1985 graduate of Hastings, she is responsible for assisting Justice Baxter in the researching and drafting of majority and separate opinions in all areas of administrative, civil, and criminal law, including death penalty appeals.

Previously, she was an associate with Howard, Rice, Nemerovski, Canady, Robertson & Falk in San Francisco, where she handled complex civil litigation matters and practiced in the areas of professional liability, business torts, municipal contracts, securities, and real estate fraud.

Fujisaki is a *magna cum laude* graduate of UCLA in history. She also excelled in the sport of women's crew, in 1981

winning UCLA's Outstanding Athlete Award in Crew and Senior Student Athlete of the Year Award. That same year, she was a Gold Medallist at the U.S. National Sports Festival.

She has been active in several professional groups, including the Asian American Bar Association of the Greater Bay Area, where she served as a member of the Board of Directors and of the Judiciary Committee, and with the Bar Association of San Francisco, where she served on the Endowment Board, the Judiciary Committee, and the Executive Committee of the State Bar Conference of Delegates. She also served for three years on the State Bar's Commission on Judicial Nominees Evaluation.

Bruce Simon is a member of the Burlingame firm of Cotchett, Pitre, Simon



& McCarthy. A specialist in investment law, consumer fraud, antitrust and securities cases, he joined the firm in 1984, becoming a partner in 1991 and a name partner in 1998.

A native San Franciscan, he earned an AB in political science at UC Berkeley in 1977, receiving his law degree from Hastings in 1980. A member of the Association of Business Trial Lawyers and a frequent speaker on trial strategies in business cases, he has lectured throughout the western United States on business and commercial litigation. He is a member of the Trial Lawyers of America and is active in the San Mateo County Bar Association, where he has worked with the courts on their delay reduction programs and legal technology. He serves annually as a regular panelist for California Continuing Education of the Bar on Recent Developments in the Law.

Simon has been active in community affairs. For example, he served as special counsel to the California State Senate Committee on Insurance in its investigation of the state's Insurance Commissioner. He also has been appointed counsel by the Federal Court as part of the court's *pro bono* prisoner rights program. He has litigated and tried securities and investment fraud cases, in particular where fraud was committed with the assistance of professionals, and he has extensive class action experience.

Board members are appointed by the Governor, confirmed by the State Senate, elected by the Board, and serve for 12 years. The appointments of Fujisaki and Simon bring Board membership to nine, with two vacancies awaiting appointment on the 11-member Board.

American Bankruptcy Institute Honor Goes To John Wells ('03)



John Wells ('03), right, was awarded the 2002 American Bankruptcy Institute's Medal of Excellence in April for outstanding performance in bankruptcy coursework. He received the award from Academic Dean Leo Martinez ('78) in May.

Alex Sears ('04) Receives IP Recognition



In August in Washington, D.C., Alex Sears ('04) received one of three Honorable Mentions in Foley & Lardner's Fourth Annual Intellectual Property Writing Competition for his paper, "Pop Goes the Gator: Trademark and Copyright Implications of Adware on the World Wide Web: Balancing the Interests of Content Providers, Advertisers, and Consumers." The competition took place in spring and summer 2003.

Student Leaders Honored At Third-Year Champagne Reception



Alumni Board of Governors Treasurer Mercedes Moreno ('80) presented Student Leadership Awards for outstanding service to Hastings or to the community at the Third-Year Champagne Reception on April 23. Left to right are graduating seniors Stephanie Stuart, Brad Marsh, Chiemi Suzuki, Adante Pointer, Moreno, A. Robert Rhoan, Eman Tai, and Deepti Sethi. Not pictured are Arturo Sandoval and Steven Tang.

Foltz Awards for Moreno, Ballati



During its April 9 program, the Clara Foltz Feminist Society recognized two Hastings graduates who have performed with distinction in their careers and have served as role models, "... inspiring and encouraging other Hastings women to achieve excellence." Receiving the Foltz Award from Society Board member Susan Stevens ('03) was Mercedes Moreno ('90), an Assistant San Francisco District Attorney and 2001 President of the San Francisco La Raza Lawyers Association. Chancellor Mary Kay Kane presented a second Foltz Award to Deborah Ballati ('75), a Farella, Braun & Martel partner specializing in construction litigation and last year's Chair of the American Bar Association's Forum on the Construction Industry.

Cotchett Foundation Grant Names 100 McAllister Student Center for Clara Foltz

Hon. Marilyn Patel, Chief Judge of the U.S. District Court for the Northern District of California, Hon. Barbara J.R. Jones, Presiding Justice of the California Court of Appeal, First Appellate District, Division 5, and Stanford law professor and Foltz biographer Barbara Babcock were among speakers in spring 2003 when Hastings celebrated the funding of a new student center by the Joseph and Victoria Cotchett Foundation. Joseph Cotchett, a nationally prominent trial lawyer, is a member of the Class of 1964.

The center, at Hastings' 100 McAllister residence hall, will be named in honor of Clara S. Foltz, the first woman student admitted to Hastings and the first woman to be admitted to the California Bar in 1879.

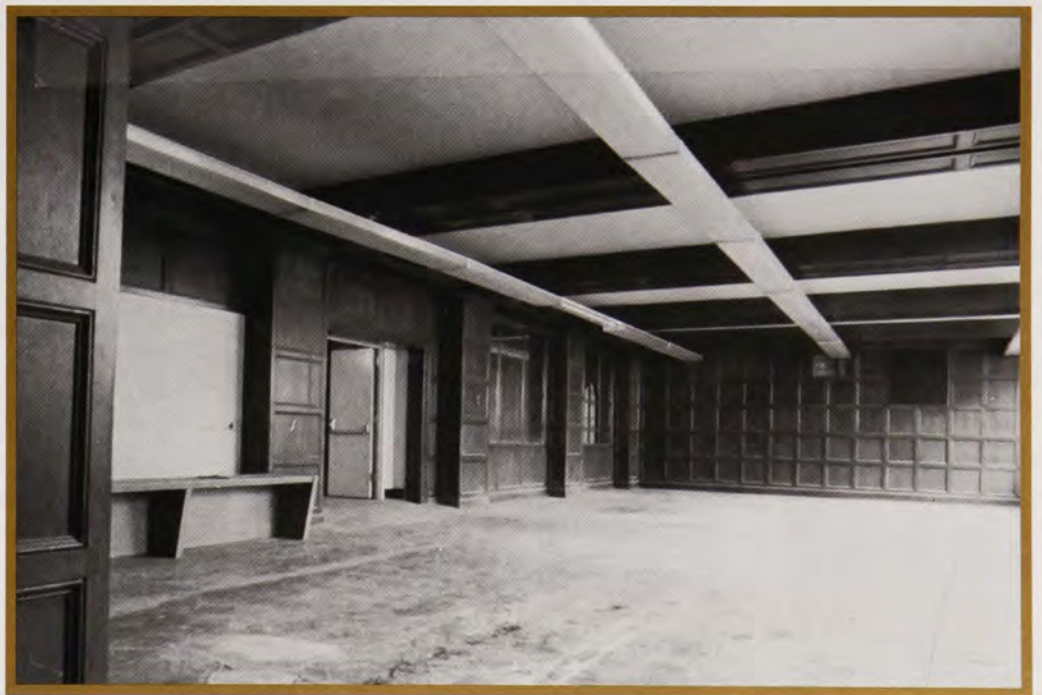
Relaying a "posthumous message" from Foltz in the form of a letter that Foltz might have written to Hastings students of today, Judge Patel read, "You live in a time when you have many choices. Please do not forget the battles of those who went before. Each of those occurred after a difficult and strenuous siege—the right to own property in your own name, the right to vote, the right to pursue a career...."

Justice Jones said Foltz "bore the twin burdens of launching a career in a male-dominated profession and nurturing the institution of the home. She pressed on when there was no likelihood of the professional career and the recognition she yearned for. Her dazzling professional accomplishments followed hard choices and unending battles."

Professor Babcock said of Foltz, "... in [her] life are ideals to which we might dedicate ourselves, as well as the student center. She believed that the entry of women into the legal profession would change it forever and for the better. Clara Foltz knew, also, that male allies were essential to uplifting the practice—and that when the profession was made fully and equally accessible to women, it would be a better place for everyone."



Those participating in the celebration of the announcement of the new Clara Foltz Student Center made possible by the Cotchett Foundation included the Hon. Marilyn Patel, Chief Judge of the U.S. District Court for the Northern District of California, Judge John Crown Professor of Law Barbara A. Babcock of Stanford, who is writing a Foltz biography and whose speech focused on Foltz's life; Foltz Society Board member Lauren Greenberg ('04); benefactors Victoria and Joseph Cotchett; and the Hon. Barbara J.R. Jones, Presiding Justice of the California Court of Appeal, First Appellate District, Division 5.



Work began in summer 2003 on the Clara Foltz Student Center, shown here before construction. Known as the Walnut Room coffee shop when 100 McAllister functioned as the Empire Hotel, the space contains some 2,000 square feet at street level and will augment on-campus amenities by providing a readily accessible location for students and McAllister Tower residents to congregate and socialize.

Artwork Gifts From the Class of 2003

In April, the Class of 2003 contributed two works of art as a gift to the College, one of which, a painting by Patrick Duncan entitled "Voltage," is shown here. Class President Chiemi Suzuki, right, made the presentation to Chancellor Kane and Academic Dean Leo Martinez ('78).



Mentoring Program Gains Popularity Among Alumni

The Alumni Mentor Program held its annual reception in April, bringing alumni from many practice specialties to meet with students. Though many mentors come from classes of the '70s and '80s, the '60s and '90s are represented as well. The Mentor Program, which is available to all students throughout the year, saw alumni participation reach an all-time high of some 550 mentors in 2003. To learn how to become an alumni mentor, contact Alumni Mentor Program Director Phil Marshall ('92) at marshalp@uchastings.edu or (415) 565-4826.



Matthew Rosen ('98), Suzanne White ('05), and Charles Smiley ('97).



Monica Wegner ('05), Francis Scarpulla ('67), and Academic Dean Leo Martinez ('78).



Gioconda Molinari ('93), David A. Levy ('77), and Kristine Kaneko ('05).



Brian Orion ('05), Rod Thompson ('80), and Mai Tran ('03).



Kaveh Faturechi ('05), Melanie Donnelly ('05), and Eugene Litvinoff ('00).



Meaghan Hemmings ('05), Larry Drumm ('96), and Xinchou Lou ('05).

HPILF Names Fellows; Honors Clinical Attorney Nancy Stuart

The Hastings Public Interest Law Foundation recognized Clinical Attorney Nancy Stuart, right, at its "Celebrating the Struggle" reception on April 7. Stuart was honored for her outstanding contributions to the public interest community. With her are HPILF 2002-03 Co-presidents and 2004 classmates Kasey Corbit and Kate Benoit.



The Hastings Public Interest Law Foundation's 2003 Summer Public Interest Fellowship recipients each received grants ranging from \$1,500 to \$3,000 to work with nonprofit agencies on projects of legal significance to underserved communities in California and across the country. Grants are funded from student, faculty, and alumni pledges, as well as from the proceeds of HPILF's annual auction. Pictured are Fellows and the organizations they worked with: Marcelle Rice ('05), General Assistance Advocacy Project, San Francisco; Jamidi Daiess ('05), California Appellate Project, San Francisco; Kasey Corbit ('04), Bay Area Legal Aid, Santa Clara County; Deborah Lagutaris ('04), Benchmark Institute, San Francisco; Miho Murai ('04), Public Counsel Law Center, Los Angeles; Christine Chestnut ('04), California Indian Legal Services,

Oakland; 02-03 Selection Committee member Rebecca Rabkin ('05); Brenna Silberstein ('04), California Rural Legal Assistance, Marysville; 02-03 Selection Committee member Lacey Clarke ('05); Rodolfo Estrada ('05), La Raza Central, San Francisco; Charli Hoffman ('05), Legal Assistance for Seniors, Oakland; Cassandra Seebaum ('05), National Center for Youth Law, Oakland; Natalie Sperry ('04), Bay Area Legal Aid, Contra Costa County; Janet Bateman ('05), California Appellate Project, San Francisco; and Moira Feeney ('04), Center for Justice and Accountability, San Francisco. Not pictured are Grace Yang ('05), East Bay Community Law Center, Berkeley; Becca Robbins ('05), International Forum on Globalization, San Francisco; and Lauren Greenberg ('04), Equal Rights Advocates, San Francisco.

Vida Is Newest Abascal Fellow



Nasha Vida ('03) seated, left, is the 2003 recipient of the Ralph Santiago Abascal Fellowship. During the next year, she will work in rural northern California, helping to improve the lives of immigrant survivors of domestic violence through legal education and outreach. Vida received her BA from the University of Michigan, Ann Arbor, and, during her time at Hastings, served as a legal intern providing services to immigrant clients with a Berkeley law firm, the East Bay Community Law Project, and San Francisco's Immigrant Legal Resource Center. Active in the Hastings Public Interest Law Foundation, she also was a 2001 Public Interest Grant Recipient, a member of the *Hastings Race and Poverty Law Journal*, and a Moot Court participant. She is shown with Professor Bea Moulton and Academic Dean Leo Martinez ('78). The Abascal Fellowship provides a grant of \$25,000 for a yearlong, post-JD project involving legal advocacy, community education, and policy change in areas affecting people who are denied access to the legal system.

Brad Hill ('83) Named Alumni Association President

In June, Hon. Brad Hill began a one-year term as the 89th President of the Hastings Alumni Association. A 1983 graduate of the law school, he now sits as the Presiding Judge of the Fresno County Superior Court. Perhaps presaging his judicial career, while at Hastings, Judge Hill was active in Moot Court, serving on its Board and as an instructor in the Moot Court program.

Since graduating, he has served on the Alumni Association's Board of Governors from 1991 to the present, having also been its Treasurer and Secretary.

Announcing his appointment, Chancellor Mary Kay Kane noted how extremely fortunate Hastings is that Judge Hill is willing to take on the Presidency, given his many extensive responsibilities on the court. She commented, "His enthusiasm and energy already are apparent in several new ventures he has planned to increase alumni and student interactions. It should be a great year!"

Judge Hill holds an undergraduate degree from CSU Fresno, where he graduated *magna cum laude*. He also earned his MBA degree there. In 1979, he was honored by his college with the Outstanding Young Men of America Award. From 1977 to 1980, he served as President of the Hill Oil Company, where he handled marketing and governmental relations for the business, which distributed petroleum products to commercial, agricultural, and



industrial consumers. Following his graduation from Hastings in 1983, Judge Hill practiced with McCormick, Barstow, Sheppard, Wayte & Carruth, a 70-member firm in Fresno specializing in civil litigation. He was appointed to the Municipal Court in Fresno in 1991 by Governor Deukmejian and elevated to the Fresno County Superior Court in 1998 by Governor Wilson.

A member of the California Judges Association, Judge Hill is one of 10 trial court judges on the California Judicial Council, the governing body for all trial and appellate courts in California.

He is active in many civic, professional, and community groups, including the Advisory Council of the School of Social Sciences at CSU Fresno, and is a member of the Boards of the Fresno Philharmonic, the Fresno County Bar Association, the Volunteer Bureau, the Rotary Club of Fresno, the Fresno County Library, and the Fresno County Young Lawyers Association.

Public Interest Graduates Celebrate

Members of the class of 2003 and students involved in public interest activities gathered in May at the College for a graduation and honors ceremony. Pictured are General Assistance Advocacy Program Director Annabrooke Temple ('00), honorees Brenna Silberstein ('04) and Christina Terplan ('03), who received recognition for their volunteer efforts providing education, representation, and advocacy free of charge at GAAP, and GAAP SSI Director Laura Wing.



S Y M P O S I A

The Federal/State Divide Over Medical Regulations

"Death, Drugs, and a Brave New World—What States' Rights? The Federal/State Divide Over Medical Regulations" was the title of the *Hastings Constitutional Law Quarterly* symposium on April 16. The session addressed such issues as the federal government's position on medicinal marijuana, the interests of the federal government in limiting stem cell and cloning research, and states' rights. Among the speakers were Mark Quinlivan, the U.S. Department of Justice's lead attorney for medicinal marijuana appeals, and Steven Bushong of the Oregon Department of Justice, Chief of Special Litigation and lead attorney for Oregon's "Death With Dignity" litigation against the U.S. Department of Justice.



Co-symposium Editor David Beach ('03), Editor-in-Chief Peter Spoerl ('03), Steven Bushong of the Oregon Department of Justice, Mark Quinlivan of the U.S. Department of Justice, and Co-symposium Editor Karin Nelson ('03).



Hastings' *Race and Poverty Law Journal* presented its first symposium in April. The session, entitled "Reclaiming Civil Rights: Access to Justice," brought to campus commentators from the Mexican-American Legal Defense and Education Fund, the University of Hawaii, Georgia State University, and UC Davis. Pictured at the podium is University of Hawaii Law Professor Eric Yamamoto.

Moot Court Competitions 2002-2003



Cardozo Entertainment Law National Champs Iain Cunningham, Saba Sheibani, and Adam Zagaris.

EVAN A. EVANS CONSTITUTIONAL LAW

National Champions and Second Place Brief
Lee Mackay, Kimberly Owens
National Semifinalists
Staci Homrig, Jessica Giannetta
Best Oral Advocate Staci Homrig
Second Place Oral Advocate Lee Mackay

SAUL LEFKOWITZ UNFAIR COMPETITION AND TRADEMARK

Regional and National Champions
Best Oral Argument Team Regionals
and Nationals
Best Brief in Region
Jen Arkowitz and Leah Scholer,
Ethan Seibert and Brenna Silberstein

TULANE SPORTS LAW

National Champions and
Spirit of Mardi Gras Award
Third Place Brief
Mike Dundas, Jeanne Jorge, Jon Fetterly

NATIONAL ENTERTAINMENT LAW

National Champions and Second Place Brief
Jenny Hsieh, Ben Prince, Gianna Gruenwald

CARDOZO ENTERTAINMENT LAW

National Champions
Best Oral Advocate in the U.S. Iain Cunningham,
Iain Cunningham, Adam Zagaris, Saba Sheibani

ROGER TRAYNOR STATE COMPETITION

State Champion Best Oral Advocate Team
Claire Ebey, Chris Lustig, Scott Malzahn



National Moot Court Competition Regional Champions and Second Place Brief winners Erin Loback, Jack Chen, and Diana Hardy. Hardy also was named Best Oral Advocate in Region.

NATIONAL APPELLATE

National Quarterfinalists
National Fifth Place Brief and Eighth Place
Oral Advocate Louis Smith
Regional Champions and Third Place Brief
Cheryl McLandrich, Louis Smith, Natalie Leonard
Regional Semifinalists
Courtney Kirschner, Robert Bader, Rob Nolan

JESSUP INTERNATIONAL

15th Place Team/Eighth Best Oral Advocate
Emma Bradford
International Rounds
Regional Champions and Best Brief in Region
Third, Fifth, and Sixth Best Oral Advocates
in Region
Sarah Hines, Emma Bradford, Marina Baginsky, Donta Graham-Preston, James Magid

NATIONAL MOOT COURT

Ninth Place in U.S.
Regional Champions and Second Place Brief
Best Oral Advocate in Region Diana Hardy
Jack Chen, Diana Hardy, Erin Loback
Regional Quarterfinalists and Third
Place Brief
Colin Burns, Amy Chang, Jon Fetterly

NATIONAL CRIMINAL PROCEDURE

Semifinalists and Third Place Team
Iain Cunningham, Courtney Kirschner, Stephen Keel
Quarterfinalists
Kent Sprinkle, Shannon Waggoner, Josh White
Fourth Place Oral Advocate Iain Cunningham



Snodgrass Competition winner Jack Chen receives his award from California Supreme Court Justice Carlos Moreno. Best Brief winners were James Magid and Emily Levin.

JOHN MARSHALL INFORMATION, TECHNOLOGY, AND PRIVACY LAW

Quarterfinalists
Doug Bria, Sarina Hinson, Demian Oksenendler

ROBERT WAGNER LABOR LAW

Quarterfinalists
Clay Steward, Eric Wersching, Michael Gorbach

JEROME PRINCE EVIDENCE

Octofinalists and Third Place Brief
Jack Chen, Colin Burns, Erin Loback

THOMAS TANG

Quarterfinalists in Region
Cary Chen, Jeanne Jorge

PACE

NATIONAL ENVIRONMENTAL LAW

Best Oral Advocate in Preliminary Rounds
Elizabeth Ames
Elizabeth Ames, Eric Han, Connor Day

WESCHLER FIRST AMENDMENT LAW (SNOWED OUT)

Completed Preliminary Rounds With
Distinction
Shelbey Harrell, Ben Prince, Kevin Voth

NATIONAL ENTERTAINMENT LAW

Completed Preliminary Rounds With
Distinction
Denise Butts, Andrea Wendt, Adam Clanton

VANDERBILT FIRST AMENDMENT LAW

Completed Preliminary Rounds With
Distinction
Kate Benoit, Sari Myers

TO ALL YOU SO-CALLED DISSATISFIED LAWYERS: ARE YOU ALL PRISONERS . . . OR WHAT?

Jeffrey Makoff ('85)

Some surveys claim that more than 70% of lawyers have “low morale.” Do you ever wonder why all those lawyers who supposedly are dissatisfied with law practice continue in the law? After all, dissatisfied practitioners can transition into new areas of the law, into law-related careers outside of private practice, into business, government, charitable service, and, for some lawyers, into the fine arts or sciences. What is it about the law that keeps so many lawyers grudgingly in law practice?

Let me suggest a few answers. First, private practice lawyers don’t hate the law as much as they say. Having worked in several nonlegal capacities since I took my own career beyond the law, I can attest to the fact that most jobs wouldn’t interest lawyers in the least. We went to law school for a career with high mental demands and rewards, fascinating and diverse experiences, and unusual financial stability. If a survey asked lawyers for a specific, realistic job in which they’d be more satisfied overall, some lawyers might say “Pro golfer, but I guess that’s not realistic.”

Second, I think most lawyers like “the law” but are dissatisfied with the system in which they have to work. Nobody enjoys being treated unprofessionally by a judge, being a bill collector, being gouged

by insurance companies, and being blamed for a variety of society’s complex ills (including, of course, high insurance costs). It is painful to be part of a legal system in which virtually every litigant loses—whether he wins or loses his case. Who *would* like this? Yet few lawyers tire of counseling clients, arguing interesting points, and contributing to the resolution of people’s important problems. Lawyers have eternal hope that life in the system will improve one day—which gets us past the discouraging days we all have.

Is it the money? It can’t be. The lawyers who respond to these career satisfaction surveys make an average of \$80,000 a year—which surely is \$30/hour when the evening and weekend duties are factored in. Major city lawyers who have practiced long enough to be truly frustrated own homes with sufficient equity that they could move to a less expensive part of the country and meditate on whatever they want, put their kids through college, and travel the world on top of it. We all know there are plenty of ways to make more money faster than practicing law.

Lawyers stick around because, all in all, being a lawyer is a pretty decent job. Lawyers are realists by nature. They stay put because they’ve figured out that many of the alternatives are worse. That’s

why there’s so much woe, and so little go. We vote “dissatisfied” with our survey pencils, but vote “satisfied enough” with our feet.

Lawyers who *really* want to leave the law can and do leave. If you are very unhappy, you can leave too. It won’t happen instantly—but you didn’t get into the law instantly either. Remember “Shake-a-Pudd’n” from the ’70s? Just add water, shake, and Voilà! You’ve got pudding! A career change isn’t like Shake-a-Pudd’n. There is a good market in business, government, and the nonprofit world for people who know law. Some positions require an investment or a cut in compensation; some require geographic changes. Many don’t involve a major sacrifice—but you might lose some of the “psychic income” that comes with helping a client who walks into your office with a problem you can fix. It is easy to take that psychic income for granted.

If you want to leave the law, start planning now, and you’ll get there. If you’ve been practicing for more than 10 years, allow three to five years for the transition. You’ll be out sooner than that—so long as you are truly committed to making a career change. And don’t burn your bar card. The smartest decision you ever made was getting it!



JEFFREY MAKOFF

A 1985 Hastings graduate and the co-author of *Get Off the Fence! 10+1 Steps to Help You Make That Big Decision*, Jeffrey Makoff is managing partner of the San Francisco law firm Makoffs. He spoke at Hastings in July 2003 on “Big Decisions: How Happy Lawyers Align Their Career Choices With Life Goals.”

Makoff saw the need for the mass-market

paperback, he says, because many people face major life decisions—marriage, divorce, business, financial, legal, and health—without any method or experienced guide. His approach to advising people about making big life decisions is pragmatic, inviting readers to explore the emotional and intuitive aspects of a big decision, as well as the rational factors.

“Hastings prepared me well for law practice, business, and life,” Makoff says. “People leave Hastings with street smarts, drive, and knowledge of the law. You need all three in law and business.”

Law schools could do more to teach graduates to be good decision counselors and skillful decision makers in their own lives, he believes, pointing out that the decision making process is taught as a separate subject in business schools. Law schools also should teach it, because lawyers are measured by their professional judgment—their ability to make good choices in the gray areas.

One of Makoff’s other businesses is a company that uses digital technology to fix old and damaged photos, and he drafted the first comprehensive set of ethical rules for the use of digital photo editing in news journalism and historical photo restoration.

Introducing the Class of 2006

The 427 members of the Class of 2006 were chosen from 6,916 applicants, the highest number ever to apply to the College. They come from 111 undergraduate institutions, though many have studied at UC Berkeley, UCLA, and at San Francisco State and other CSU campuses. As undergraduates, they earned a median grade point average of 3.54; their median LSAT score was 163. Most have majored in political science, English/literature, history/religion, or the humanities, but many have academic backgrounds in the sciences, psychology, or economics. As has been the case for many years, about a third are students of color, and the class is a little more than half women. Although the median age is 24, members range in age from 19 to 49.

Widely varied paths led the Class of 2006 to study law, as a look at five members of the class will reveal.



GORSHA SUR is a champion Soviet figure skater whose odyssey has taken him from a small apartment in the Soviet Union to the lonely life of a defector in New York in the early '90s. To support himself, he became a coach and choreographer. He was first denied the right to compete in the United States, but through his study of the U.S. Figure Skating Association bylaws, he eventually was allowed to compete, establishing a precedent that altered the USFSA's policies toward foreign-born skaters. Though he won the U.S. National Figure

Skating Championship twice, in 1993 and 1995, he could not compete in the Olympics because he was not yet a U.S. citizen, and the timetable for citizenship did not coincide with the winter Olympics. He was, however, selected as headline talent for the honor of extinguishing the Olympic Flame at the 2002 Winter Games in Salt Lake City.

His interest in law was primed by his mother's pursuit of a law degree two decades ago in the Soviet Union and his fascination with her law books. Law and skating kept intersecting—especially during his professional career in America, when, faced with producers and agents, he honed abilities in contract analysis and negotiation. And law and figure skating have more in common than meets the eye. "Litigation, like figure skating, is a competition, conducted under a set of rules, with jurors," he explained.



JESSICA BURT was watching "Perry Mason" when she was five years old. Growing up in Stockton, she has worked since she was 16, after school or on weekends. She put herself through CSU Hayward on loans and jobs. She worked for a temp agency ("I look back now and wonder how I survived") and for PowerBar, averaging 20 to 35 hours weekly. During her junior year, she started out as a file clerk at Jackson & Wallace, a San Francisco firm specializing in civil litigation. She eventually became an assistant to a partner's secretary. Meanwhile, at the university, she won a World Affairs Council Scholarship and was involved in Model United Nations programs. A turning point came during a study-abroad program in Dresden, Germany. "I realized then that I could meet the challenge posed by surroundings that were totally unfamiliar to me, and I could still succeed and thrive," she said. "When I returned, I was more confident of my skills." In 2002, she received her degree in international affairs and political science. Then, for a year, as a full-time paralegal at Jackson & Wallace, she managed some 300 active case files. "Even now, I can return to my job during holiday break, which is advantageous for me," she said.

Jessica Burt looks forward to a legal career in some area of the international sector.



EDWARD LEONE, a physician, is an anesthesiologist and pain medicine specialist and one of some 6,000 doctors currently studying to become lawyers. The holder of Master of Public Health, MBA, and MD degrees, he is an outdoorsman and former skier who has recently taken to the snowboard. He brings a physician's approach to the study of law. "It's going to be hard to learn to think like a lawyer," he says. "Law is more gray than medicine; more philosophic rather than scientific." He practiced most recently in Hawaii, where, in addition to perfecting surfing skills, he supported the work of the Hawaii Coalition for Health, a group of doctors and lawyers attempting to effect change in the way the health care system is managed in that state. "It's a system that is somewhat left over from the earlier days of the sugar plantations . . . and it no longer works," he said. His experiences in the practice of medicine have led him to realize that the medical sector is becoming over-regulated, and he sees adverse outcomes for patients as well as for doctors and hospitals. Though he has been considering studying law for some time, Dr. Leone doesn't see law and medicine as mutually exclusive. In fact, on receiving his JD, he may practice both law and medicine, and he hopes to make meaningful contributions in both areas.

DIANA CHEN has been interested in law since high school, when she took a class in constitutional, tort, and business law. That first taste of legal arguments and judicial opinions was her favorite class. As a high school student, she knew it would be several years before she could practice law; nevertheless, she decided to begin her journey. Though some high school students work in law offices answering phones, Chen persuaded the Vice President and General Counsel of Marcus & Millichap, the nation's largest real estate investment brokerage company, to take her on as an unpaid intern to research real estate law, write articles for a firm newsletter, and participate in pretrial procedures. "Seeing the inner workings of a law office strengthened my desire to become a lawyer," she said.



Later, as a sophomore at UC Berkeley, by demonstrating her knowledge of standardized tests such as the SAT, she convinced Boalt Professor Joan Howarth, who was studying inequalities in bar exams and the legal profession, to select her as a research assistant—a position usually offered only to law students. The following year, Chen, who speaks Mandarin, assisted Boalt Professor Robert Berring with research for his undergraduate course, Law in Chinese Society, and other projects.

"I've found that waiting for opportunities to come to me produces few results," she said. "So I seek out my own opportunities!"



DAVID MUÑOZ attended Mission High School in San Francisco, "one of the worst," he says, in terms of preparing its students to continue their education. Since high school, he has worked, beginning by cleaning city sidewalks through the Columbia Park Boys Club. Holding down various jobs for an average of 40 hours a week, he struggled academically at San Francisco State. But then, through a friend, he met an attorney with a small Daly City firm, Mendelson & Associates. He became a volunteer intern there and later was hired as a legal assistant, working in criminal and immigration law.

One day the senior partner asked him what he wanted to do in life.

Half joking, he said, "I want to be a lawyer."

"You can," she said.

From that point on, he had a goal, and his grades improved dramatically. He graduated in May from San Francisco State with a BA in criminal justice. He gives credit to his major motivators—his mother, a widow who raised four children, and his sister, who encouraged him to attend college. And when the Mendelson firm let him adjust his working hours to accommodate his classes at State, "that really made a difference," he said. Building on his interest in criminal law, David Muñoz is focusing on his next goal—he hopes to join a public defender's office.

The Sixteenth Annual Scholarship Tea

Hastings students who received scholarships gathered on April 14 for the 2003 Scholarship Tea, a College tradition since 1987. Many scholarship donors also were in attendance to present the honors in person. The event celebrates both the donors' generosity and the recipients' academic distinction. Named scholarships are a meaningful way in which both individual alumni and legal firms can memorialize a family member, colleague, or friend in perpetuity, while helping a deserving student acquire a legal education.



The Justice Raymond Sullivan Scholarship was presented to Fiona Nguy ('04), center, by his daughters, Mary Ward, left, and Sheila Peterson, right. Justice Sullivan, who served with distinction on the California Supreme Court, taught at Hastings as a member of the 65 Club.



Mrs. Eleanor Manuel, left, presents the Justice Wiley W. Manuel Scholarships to 2004 classmates Alexis Koenig and Lee Mackay. Established in memory of California Supreme Court Justice Manuel ('53), the awards are made on academic achievement, leadership, and professional promise.



Mrs. Sandra McGrath, center, awards the Judge Robert McGrath Scholarship to Maria Labos ('03). Judge McGrath's daughter, Jennifer McGrath Scardina, is at left. Judge McGrath, who sat on the Contra Costa Superior Court, was a distinguished member of the Class of 1968.



Hastings' Board of Directors member John T. Knox ('52) with Liza Cuervo ('04), recipient of the John T. Knox Scholarship, and Jean Knox. The Knox Scholarship benefits a deserving student who lived in Richmond, California, for a period of five years between the ages of 10 and 18.



Wayne Veatch, Jr. ('76) presents the Wayne O. Veatch, Sr. Scholarship to 2005 classmates Ashlee Bonds and John Haskell. The scholarship is named in honor of his late father, a member of the Class of 1935.



Mildred W. Levin Scholarship recipient Beverly J. Dale ('04), center, with Adrienne Miller of Queen's Bench of San Francisco, left, and Hon. Ina Gyemant ('68), Mildred Levin's daughter.



Hon. Gilbert Pavlovsky, right, awards the Andrew Pavlovsky Memorial Scholarship to Alex Sears ('04). Named after Hastings student Andrew Pavlovsky, who died during his third year at the College, the scholarship is awarded to the second-year student who was the most outstanding class participant in first-year classes.

The Ninth Attorneys General Forum

In February 2003, three of the nation's former chief legal officers convened at Hastings for a roundtable discussion on administration-of-justice issues in the news during the last year. This year's forum was attended by Nicholas Katzenbach (Deputy Attorney General in the Kennedy Administration and President Johnson's Attorney General, 1965-66), Edwin Meese III (President Reagan's Attorney General, 1985-88), and Richard Thornburgh (Attorney General in both the Reagan and Bush Administrations, 1988-91). Harvard Law Professor Arthur Miller moderated. The program was televised by C-SPAN network and aired nationwide on April 18 and twice on April 19. Excerpts follow.

VACANCIES ON THE FEDERAL BENCH

MILLER: We now have 63 vacancies on the federal bench. Thirty of those are declared emergency vacancies because of a lack of judicial horsepower. This seems to be a perennial problem. Why is that?

MEESE: The problem presently is an impasse between the Senate and the Administration. We have today something that I haven't seen in the 20 years since I came to Washington: a filibuster over a judicial candidate. What has happened, unfortunately, over the years has been the politicization of judicial appointments by special interest groups, which have applied pressure on the Senate to resist the confirmation of judges. It's certainly a more hostile situation between the parties than I've ever seen.

KATZENBACH: It has become much more political in recent years. It has certainly become more ideological. The President can appoint whoever he wants to, and the Senate can oppose whoever they want to. In a country that is reasonably divided in its political views, it might be better to have a judiciary that was not on the extreme on the left or the right. There are a lot of judges who are not ideologically extreme who are still pretty good judges. I don't know why people can't be selected from that group.

It would increase respect for the judiciary. Now, when a decision is made, you tend to look at who made the decision, who appointed them, and tend to think of it as a decision that is political, which may or may not be.

THORNBURGH: I think President Bush, in particular, had a view that he did not want to appoint judges who were activist judges aggressively trying to shape the Constitution to their own views. Two things about the current situations strike me as extremely troublesome. First is the objection lodged by some Senators that they can't get answers to questions from a judicial nominee; that the judicial nominee is "stonewalling" them, in their words. If the question to which they want the answer is how he would decide a particular case, the answer has been avoided, because it isn't proper to commit



Attorney General Nick Katzenbach

a judge in a vacuum to a particular outcome.

Second, even more troublesome, is to turn on my television set and see campaign-type ads being run for or against a particular nominee. That is outrageous because it equates the hurly-burly of partisan politics with the process of choosing a member of the federal judiciary.

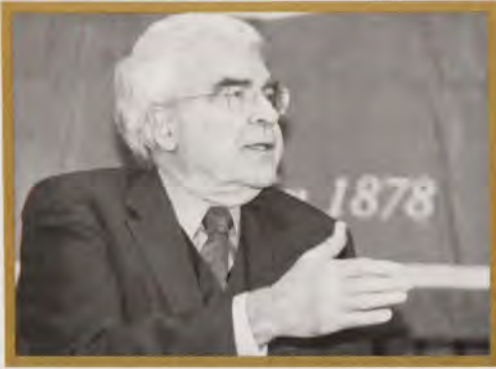
MEESE: President Reagan made it clear, even at the time of the appointment of Justice Scalia and Chief Justice Rehnquist, that the issue was not what a person thought ideologically or where he was in the political spectrum, but whether he had a commitment to interpreting the law as it was actually

written by Congress and the Constitution as it actually read, rather than substituting his own ideas of what the Constitution ought to say or what the laws ought to be. This is one of the great confusions with the Senate asking what a person's political philosophy might be. The real question ought to be what would he or she do as a judge. The answer, "I would follow the law," particularly from an appellate judge or district court judge, is very relevant.

MILLER: This feeling that "We're being stonewalled" is a repetition of events during the nomination of Justice Souter, now called "the stealth justice." Nobody knew anything about him, and he turned out, not surprisingly, to be something quite different than a lot of the assumptions about him.

MEESE: Actually, he had more of a track record than many people because he had been an appellate judge. He'd written at least a few opinions. He had not been a law professor. The fact that a person has expressed views on subjects in law review articles should not indicate how he's going to rule as a judge if he's committed to following the law. Souter was thought to be a judge who would, in fact, follow the law and interpret the law based upon his prior experience. He had been an Attorney General; he had been a member of the New Hampshire Supreme Court.

KATZENBACH: I think he has followed the law. The problem that I have with what you said, Dick, is twofold. I agree with you about the advertisements. What I wonder is if the President were making nominations that were not pretty far to the right ideologically, do you think you would have these demonstrations? I don't recall demonstrations occurring before this administration, but I may be wrong. There may have been some with Bork, which is a Supreme Court nomination, which I regard as somewhat different, but that is beside the point. The other problem I had is that I can't figure out what questions I'm permitted to ask if I'm a Senator. Now it used to be that didn't make much difference because the appointments were being made not by the President, essentially, but by Senators



Moderator Arthur Miller, Harvard Professor of Law

from the same party as the President. All we cared about was whether they were competent judges or not, and we relied upon the American Bar Association to tell us. Now, this Administration says, "We don't want the ABA's opinions on whether they're competent lawyers or not. We're much more interested in ideology . . . but don't you ever ask them any questions!"

THORNBURGH: The ABA shifted its criteria for examining prospective judges. When the Association was originally asked to opine on the suitability of judicial nominees during the Eisenhower Administration, it was asked, as you said, "Are these lawyers of professional standing and integrity with the competence to be judges?" During the 1980s, the ABA inserted two new clauses into its standards, both of which involved ideological or political views. I found that intolerable and forced them to back down. We can make judgments about suitability from an ideological or political standpoint, but we don't need to hear from the American Bar Association on those issues. That was the view that was expressed by the White House Counsel in uninviting the ABA to have a previous preference expressed with regard to judicial nominees.

MEESE: To its credit, the ABA has recognized its mistake and is trying to be more objective. Interestingly enough, the current person about whom the filibuster is being conducted, Miguel Estrada, received the highest rating from the ABA as far as professional qualifications, and yet the Senate is still filibustering. You have these left-wing groups that have fomented this opposition, and they're putting the pressure on some Senators to

filibuster. The filibuster is the wrong tactic in terms of dealing with what ought to be a pretty objective evaluation.

THORNBURGH: What kind of question do you ask a prospective judicial nominee? My recollection is that Felix Frankfurter was the first Supreme Court nominee ever to appear before the United States Senate Judiciary Committee to answer questions, and that was in 1939. It's a relatively new development to have these kinds of political campaigns around prospective nominees to the courts.

KATZENBACH: Every one of these nominees has been brought to Washington and asked, over one or two days, a series of questions by the White House staff before they have been nominated.

THORNBURGH: For every judicial vacancy, there's not just one person considered. If any person who was considered, found wanting, and not appointed had been asked questions that were improper, you would hear about it. I have never in my 40-odd years of practice seen a disgruntled prospective nominee say, "I got in there, and they asked me how I was going to decide these cases. I felt that was terrible, and I wouldn't answer. Therefore, I didn't end up being a judge."

MEESE: The only President who personally declared he had a litmus test was President Clinton, who said he would not appoint anyone who did not believe in *Roe v. Wade* and abortions. I can assure you that, in the Administration I was a part of, the questions were along the lines that I mentioned: How do you judge cases? How do you interpret the law, from the standpoint of what it says or from your ideas? Can you sublimate your own political views to deciding what the law is?

THORNBURGH: The process isn't infallible. I always got a kick out of the question allegedly put to President Eisenhower as he was leaving office asking him whether he ever had made any mistakes while he was the President. And he said, "Yes, two. And they're both sitting on the Supreme Court of the United States," referring to his appointments of Chief Justice Warren and of Justice Brennan. They turned out to be quite different in their conduct in office.

MILLER: In the Kennedy-Johnson Administration, was the nomination process run out of the White House or out of the Attorney General's office?

KATZENBACH: I can't tell you that President Kennedy never talked to Bobby Kennedy, but I would be willing to bet my life he didn't bother because he was not interested in judicial appointments. They cared about the Supreme Court but, even on the Supreme Court, what was wanted was somebody who had real distinction.

THE PATRIOT ACT OF 2001

MILLER: Since we were last together, 9/11 occurred, and the war against terrorism began. Its centerpiece is the Patriot Act of 2001, and much of the operation of that Act is in the Attorney General's hands. Civil libertarians believe that the Act is fundamentally flawed, contains many provisions they would argue are unconstitutional, and poses a threat to freedoms we have held dear for 200 years.

THORNBURGH: Before you look at any particular piece of legislation or policy, you've got to consider the sea change that has taken place in our country after 9/11. We are in a state of national emergency with regard to the threat of terrorism, and it's always during those periods in our history that law enforcement and the intelligence communities have pushed the envelope in the attempt to secure the safety of our citizens. This is manifest in the change in emphasis within the Department of Justice from prosecution to prevention. The implications of that are enormous. For prosecution, you depend upon legally admissible evidence that you can present before a judge or a jury after the fact to prove that a specific crime has been committed by identified individuals. For prevention, you need intelligence—whether legally admissible or not—sufficient to thwart a proposed terrorist attack. The difference between those two standards is enormous, and a lot of what is contained in the Patriot Act reflects that difference.

MEESE: A lot of the Act actually brought the law up to date with advances in communication technology. Prior to the

Patriot Act, you could only get a wiretap with a court order, for example, for a particular telephone. But today, stationary telephones are no longer what people use exclusively. With cell phones, terrorists are able to use a phone, discard it, use another cell phone, and so on. So the Patriot Act says that when you get a court order for a wiretap and a judge approves it, you can get that in regard to any telephone a particular person uses.

Likewise, before, because the phone was stationary, you could only get an order from a judicial district to use the wiretapping in that judicial district. Now you are able to wiretap an individual on a nationwide basis.

KATZENBACH: And I assume you say the same in terms of the provisions in the Act for what is loosely called "data mining" on the Internet of e-mails, things of that nature.

MEESE: Yes. They conformed that to what the law is in regard to telephones. You can get information about who the communication goes to and who it's from, but without a court order you can't get the body of the communication itself. Congress did a pretty good job of balancing civil liberties against the practical aspects of law enforcement and terrorism prevention. They did, for example, provide laws allowing a cause of action for anyone where the Act was improperly used. A person can now get a judgment against the government. Before, you could only get a judgment against a particular officer, who was usually judgment-proof. They also have created an ombudsman in the Justice Department to see if the Act is properly utilized and, in addition to that, there is a five-year sunset provision so, if it has been abused, Congress will take another look at it and decide whether it continues.

MILLER: One of the arguments about the Act is that it lowers the standards for those warrants and for the eavesdropping. Instead of the old "probable cause to believe that a crime has been committed," the Patriot Act allows an eavesdropping warrant or tap warrant for probable cause that a foreign power is involved or an agent of a foreign power is involved. There is no threshold requirement of showing probable cause of a crime, or

espionage, or terror.

MEESE: Under the Patriot Act, information now can be shared between intelligence agencies that are gaining foreign intelligence information and law enforcement officers who are preventing or prosecuting terrorism acts.

KATZENBACH: My understanding is once that intelligence is shared, it can be used for prosecution as well, which does seem to me as something of a change. In terms of any invasion of privacy or invasion of civil liberties, there has to be some balancing. I worry about terrorism almost not at all, because when I get in my car, I run a much bigger risk of being killed than being killed in a terrorist attack. That doesn't excuse terrorism and it doesn't excuse the Administration for not trying to prevent further terrorism, but you have to balance the invasions of privacy against how effective they are in preventing terrorism . . . I am infinitely more nervous about what our government



Attorney General Dick Thornburgh

is doing with respect to investigations and invasions of privacy. To prevent people from talking to a lawyer is crazy.

THORNBURGH: I think you're in a small minority if you're not concerned about terrorism and about what your own country is doing to protect you from that.

MEESE: We are in a different kind of war, but certainly we have a war that has been the most disastrous war for this country in terms of casualties in our history. We had more casualties on September 11, 2001, than we did at Pearl Harbor. We haven't had our two major cities burned or invaded by outside foreign powers since the War of 1812. Our legal institutions and our Congress are trying to develop a means of coping

with the problem. We have a continuing threat to the United States greater than we have had before in terms of further terrorist attacks. Virtually every nation has joined us in the war on terrorism, whether through a formal declaration or through an informal agreement with our police agencies. I personally do not like the idea of anybody being denied the presence of a lawyer. That is a natural reaction that we have as lawyers in our commitment to the rule of law. But apparently it is legal. At least the courts have not interfered and have said that with illegal combatants, decisions have to be made by our military chain of command rather than by the justice system. I have yet to see anybody come up with a concrete example of privacy being invaded or civil liberties being denied.

MILLER: What about military tribunals performing acts normally thought of as judicial?

THORNBURGH: The reasons for having a tribunal held in secret away from the glare of publicity would be to protect the sources and methods that may have been used in interception—informants or people on the inside of an organization who may have cooperated with the authorities. Secondly, sophisticated electronic surveillance may have been used to produce evidence, the disclosure of which would provide a road map to other terrorist groups. There is also a desire to avoid giving a public platform to an individual involved in these kinds of activities. I think it was a mistake for the government to criminally prosecute Zacarias Massaoui, the terrorist who is charged with complicity in the 9/11 attacks. I wouldn't be surprised if that case were shifted from the criminal courts to a military tribunal. But the cases in which a military tribunal is used are so rare and so targeted toward particular factual situations that I do not think it ought to be a concern to the public at large, only to those people who meet those narrow definitions approved by the U.S. Supreme Court in circumstances where there are good reasons not to have them go through the criminal process.

QUESTION FROM AUDIENCE:

September 11 was obviously a horrible event, but I also remember Oklahoma City, and I don't remember a war on right-wing militias after that occurred. You talk about the Patriot Act bringing a shift from prosecuting crimes to preventing crimes that haven't happened yet, things that potentially might happen . . .

THORNBURGH: I have some strong feelings about that. First, there has been a major effort against right-wing militias, at least dating from the time Ed Meese and I were in office, and many successful prosecutions have been undertaken against hate groups, the Aryan Nation, skinheads, and other groups who are out to do the same kind of harm to our country as foreign terrorists. Second, there is already and has been for a number of decades a worldwide electronic surveillance network run by the U.S. government to capture information from foreign sources about a variety of matters that relate to our national security. The question is, when that information indicates that an attack is to take place in the United States by a terrorist group, should that information be made available to law enforcement? The Patriot Act says yes. I think the American public would realize that it is entirely logical to use that information rather than compartmentalize it away from law enforcement. It is not utilized against American citizens. An American citizen can only be the subject of an electronic surveillance after the entry of a court order based on probable cause under Title 3 of the United States Code. That distinction is extremely important. The question today, which I think has been resolved properly, is to what extent can there be interchange between law enforcement and intelligence communities with regard to this type of information.

QUESTION FROM AUDIENCE:

Going back to the issue of attorney-client privilege, if I am a criminal defense attorney who is supposed to represent a suspect who is being detained, how am I to adequately and effectively prepare his case if the government is listening in?

MEESE: It is important to recognize that this is a very limited class of people, where there is valid information about a conspiracy between the lawyer and the

person who is being detained, in which the lawyer has shed his or her role as an officer of the court and has instead become a co-conspirator with the potential terrorist. It is under those circumstances, and with a warning being given. There are other ways they can communicate—directly, by face-to-face communication. But certain things are being prohibited to them, namely, the use of telephone communication to continue to do things that are themselves illegal.

KATZENBACH: I have a lot of problems with that because it is so easy to find other solutions that allow communication between an attorney and the defendant. If you really think that the attorney is a member of this conspiracy, have the court appoint another attorney to accompany this attorney each time that he is there, and let those communications remain that way. The commission of a crime is not protected by privilege



Attorney General Edwin Meese III

anyhow, so you monitor it in that way. I'm suspicious when they say, "We're going to tell you about this," so that you won't communicate.

QUESTION FROM AUDIENCE: If terrorism is an international phenomenon, shouldn't there be an international law enforcement agency?

MEESE: There really is no such thing. We have Interpol, which is simply an information exchange, but there is a great deal of cooperation between law enforcement agencies themselves. During my tenure, I spent a lot of time going overseas to meet with my counterparts in other countries. I took along the head of the FBI, so he could work with his counterpart in those countries. It is more effective to use the police agencies of the various countries, cooperating with each

other, than to have some kind of international body. Frankly, the international bodies we have had so far in the world, including the United Nations, have not been particularly effective.

THE MICHIGAN AFFIRMATIVE ACTION CASE AND THE DETERMINATION OF LEGAL POLICY

MILLER: Let's talk about the relationships of the Attorney General, the President of the United States, White House Counsel, and the Solicitor General of the United States in the context of the University of Michigan affirmative action case, probably the most important affirmative action case since Bakke, which all you Californians know about. It is reported that Solicitor General Olson and the Attorney General wanted to prepare a brief on behalf of the government that took the position that diversity is not a compelling interest that would justify quotas for academic admission. Enter Mr. Gonzales, legal adviser to the President, and Mr. Bush. That quartet engaged in some sort of negotiation that produced a different brief in the U.S. Supreme Court that simply said, "Quotas are bad, but other methodology for achieving diversity might be okay." How do you react to that, Ed?

MEESE: It would never have happened in the Administration I was a part of. At the time that I was in office, the White House Counsel dealt totally with process matters inside the White House—who could receive what kinds of gifts, what the value of gifts were, the vetting of certain appointments, and data from the FBI. In the Justice Department, we determined legal policy; we advised the President what our views were. Obviously, the President could overrule us, but that never happened. It is more appropriate for the Attorney General as the chief law enforcement officer and the principal legal adviser to the President to be making those decisions, rather than somebody more politically oriented in the White House.

THORNBURGH: I differ slightly from my colleague, Ed Meese, on this. I happened to agree with the result that was reached in these negotiations. The university should be free to pursue

avenues that promote diversity, short of quotas, preferences, or set-asides, but I am uneasy when it appears that this emanated from the White House rather than from the Department of Justice. At the same time, I have to agree that the President is the boss; he calls the shots. The dilemma is created for the Attorney General and the Solicitor General in apparently having their views overruled. If it is a matter of great moment, and they feel sufficiently strong about it, then they could resign, as predecessors of theirs have done on particular cases in years past. But in the final analysis, there is nothing unconstitutional about the President taking charge of a particular issue. I have to say as Ed Meese said that, during the time that I was Attorney General, no such direction came from the White House.

KATZENBACH: The problem is that having a White House Counsel who is a lawyer and who practices law in the White House in many ways has politicized the legal process. It has politicized the appointment of judges. It has the capability of politicizing a lot of decisions in the Department of Justice because those in the White House are so interested in politics, as they should be. I don't think you're going to find the solution to this problem. If you have very bright and capable counsel at the White House, he may be brighter and more capable than the Attorney General . . . The Attorney General should be the legal adviser to the President. I would think it was entirely proper for the Attorney General to say to the President, "I know this is a very difficult question. A lot of people are angry on one side or the other, and, if we put in a brief, we're going to put it in taking this flat-out position. You may not want us to put a brief in for that reason. It's your call." That seems to me distinguishable from a lot of other constitutional questions where you have to put in a brief because you are the party involved or even because you have been requested by the Supreme Court to do so. This was a freebee, grabbed hold of by the political people in the White House to put in a position that they thought would satisfy both sides. There seems to be a very big constitutional question of what

the best surrogate for race is, which I think makes the Constitution sound absolutely silly.

MILLER: Let's continue on this relationship inquiry. Let's talk now about the Solicitor General of the United States and the Attorney General. Typically, the Solicitor General is the government's lawyer in the Supreme Court. Some say the Solicitor General is really an arm of the Court—a 10th justice. Others say the Solicitor General works for the Attorney General.

MEESE: Both of those statements are correct, but you have to look at it this way: the Solicitor General is, from a pure matter of legality, the fourth-ranking person in the Department of Justice. But he or she has a very significant presence in the legal system, particularly before the Supreme Court. So perhaps greater deference is owed to and given to the Solicitor General on matters of appeal either to the federal appellate circuit courts or the Supreme Court, particularly the Supreme Court. On the other hand, sometimes you have disagreements within the department. The head of the civil division, for example, may differ with the Solicitor General on a particular matter. If it is serious enough—and this happened only on one or two occasions in the nearly four years I was there—I would have them come in and we would have the top leaders of the department, including the Solicitor General and the department and division head, argue it out. Ultimately, it was left to me to make the final decision.

MILLER: Should the AG, if possible, bite his tongue and let the Solicitor General do what the Solicitor thinks best?

MEESE: I'm not a great tongue biter. Ultimately, it was my job to make the decision. But I would give great deference to the Solicitor General, so it was a matter of how important it was and what his view was. Some of these discussions that we had went two, two-and-a-half hours.

THORNBURGH: I think you, as Attorney General, give a wider swath to the Solicitor General than to any of the other heads of departments within the Department of Justice and for a very good reason. The credibility of the Department of Justice, if not the whole government,

before the Supreme Court depends on the credibility of the Solicitor General. Anything that undercuts that credibility unnecessarily is counterproductive so far as the overall value of the Department of Justice in handling these appellate cases. I never had occasion to overrule the Solicitor General. He was good enough to come to me and brief me on matters that he felt might be contentious. But I found, by and large, his judgment to be sound on these matters and gave him the extra armament of going to the Court with my full support. Never did the White House have any particular say in these cases, although from time to time I would feel in turn obliged to brief the President and his counsel.

KATZENBACH: I can only recall two things that both occurred when I was Deputy Attorney General. One had to do with civil rights, and the Solicitor General was Archibald Cox, a very distinguished and able advocate. We had a difficult problem in civil rights because there was a question of using the Constitution, which only applies to state action. It would have been a disaster politically for us to take a view that was against Dr. King, the NAACP, and the Legal Defense Fund. Archie realized that it was a big problem both for him and for us and eventually came up with a solution that allowed him to find state action. The other case is much more famous, and I'll quit on that note. But Archie did not want to take a view with respect to one-man, one-vote, and he felt very strongly about the subject. Attorney General Kennedy felt this ought to be done, and Archie bent over backwards to come up with something that he thought he could honestly put to the Supreme Court, although he didn't think they would accept it. He argued it to the Supreme Court, and the Court came out with a one-man, one-vote decision going further than he had gone in his argument and making the argument much the same way that Attorney General Kennedy had made.

The Ninth 1066 Foundation Att



Denise Grab, Attorney General Dick Thornburgh, and 1066 Foundation Trustee Betty Falk ('46).



Stephen Lind, Albert R. Abramson Distinguished Professor of Law, Attorney General Nick Katzenbach, and Professor Emeritus Peter Maier.



UCSF General Counsel Marcia Canning ('76), Board of Directors member Jack Smith ('54), and Hastings General Counsel Susan Thomas ('77).



Professor Bea Moulton, Board of Directors Chair James E. Mahoney ('66), Attorney General Dick Thornburgh, and Pilar Abascal.



Attorney General Nick Katzenbach, Alumni Association Treasurer Mercedes Moreno ('80), Jorge Moreno, and Alumni Board of Governors member and 2002-03 ASUCH President Matthew Siroka ('04).



Cecilia Blackfield, Chancellor Mary Kay Kane, and 1066 Foundation Trustee Marvin Sussman ('50).

orneys General Forum Reception



Eric Wersching ('03), Board of Directors member Jan Lewenhaupt, Attorney General Dick Thornburgh, Alumni Association President-elect Hon. Brad Hill ('83), and Professor Richard Boswell.



Attorney General Dick Thornburgh, Walter Helmick, and 1066 Foundation Trustees Elizabeth Franco Bradley ('77) and Brian Thiessen ('67).



2005 classmates Cassandra Seebaum, Daniel Wan, and Monique Ngo with Attorney General Edwin Meese, Olivia Ho ('05), and 1066 Foundation Counsel Tim Mills ('86).



Attorney General Nick Katzenbach, Miyoko Katabami, and 1066 Foundation President-Elect Mark Foster ('81).



Attorney General Nick Katzenbach with Kamala Harris ('89).



Attorney General Edwin Meese, David St. Louis ('67), Professor Candice Heisler ('72), and Dr. Joan St. Louis.

Alumni/Student Picture Gallery

ALUMNI OF THE YEAR CELEBRATIONS

FRESNO CHAPTER'S
ALUMNUS-OF-THE-YEAR LUNCHEON
THE DOWNTOWN CLUB
MARCH 18, 2003



Outgoing Fresno Chapter President Jim Shekoyan ('65), Chancellor Kane, and Laurie Quigley ('91), incoming Fresno Chapter President.



Douglas Pitchford ('75), Chancellor Kane, Hon. Annette LaRue ('52), and James Waterman ('53).



Carmen Eanni ('63) and Douglas Gordon ('92).



Paulette Janian ('71), Denise Melkonian, and Donald Fischbach ('72).



Tina Quaschnick and Hon. James Quaschnick ('64), Fresno Chapter 2003 Alumnus of the Year.



William White ('90) and Matthew Hoffman ('94).



Hon. Stephen Kane ('76), Michael Gluski ('01), and William Leifer ('73).



Craig Houghton ('79), Howard Watkins ('72), and Joshua Daniels ('02).



Lawrence Wayte ('61) and Hon. Ralph Nuñez ('68).

BLACK ALUMNI CHAPTER'S ALUMNUS-OF-THE-YEAR-RECEPTION AND GRADUATION CELEBRATION MAY 17, 2003



Adante Pointer ('03), San Francisco Mayor Willie Brown ('58), and 2002-03 Alumni Association President Fred Butler ('86).



Black Alumni Chapter President Vernon Goins ('97) and Alumnus of the Year Chad Smiley ('97).

ALUMNI EVENTS

BAKERSFIELD ALUMNI RECEPTION THE GUILD HOUSE MARCH 18, 2003



Suzan Hopper, Jillian Fritch-Stump, and Michael Stump ('97).



Hon. Sharon Mettler ('73) and Maria Rubio ('99).



Valeta Wilde ('80) and Sharon Garrett ('77).



Hon. Arthur Wallace ('63), H.A. Sala, Chancellor Kane, Peri Traynor, and Hon. Robert Tafoya ('78). The reception celebrated Judge Tafoya's appointment to the Kern County Superior Court.



Sandra Serrano ('78), Nicholas Azemika ('91), Richard Papst, David Stiles ('76), and Anthony Azemika ('91).

SACRAMENTO CHAPTER'S RECEPTION
HONORING ALUMNI IN STATE
AND LOCAL GOVERNMENT
FRANK FAT'S
APRIL 8, 2003



Marilyn Lobner, Kneeland Lobner ('44), and Tom Olson ('48).



Sharon Loughner ('98), Susan Orton ('74), and Armand Feliciano ('01).



Tom Gede ('81), Hon. Rod Davis ('74), and Robert Rademacher ('85).



Franklin Watson ('89), Steven Bruckman ('85), and Gene Wong ('78).



Tawni Olson ('00), Professor David Jung, and Alice McGill ('91).



Nelson Chan ('83), Bion Gregory ('68), and Keith Bovetti.



Thomas Heuer ('71) and James Ayoob ('71).



Ann Kanter ('75), Yvonne West ('02), and Doreathea Johnson ('77).

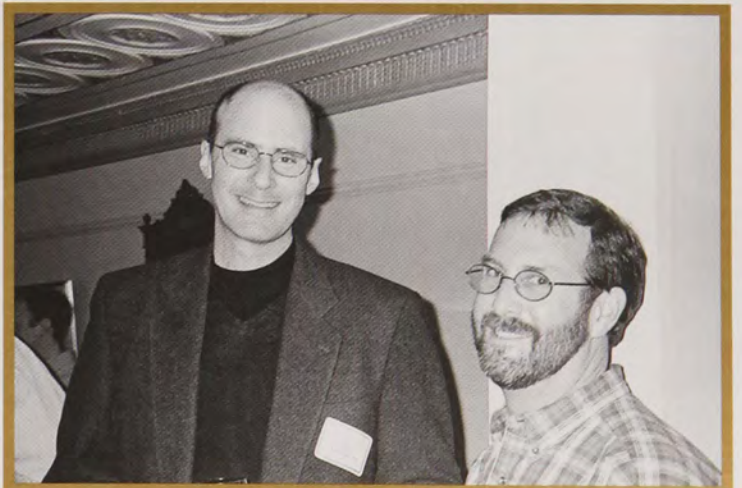


Ty Yancy, Janine LeVine ('92), Tom Fat ('65), and Chancellor Kane.

SEATTLE CHAPTER'S RECEPTION THE RANIER CLUB APRIL 29, 2003



Margaux Plumer and Nathan Todd with 2002 classmates Thomas Osinski and Michael Schneider.



Alan Schulkin ('80) and Kennard Goodman ('81).



1996 classmates Kristi Schiffrin Hayes and Todd Hayes with Zachary Fleet ('94).



Jacob Menashe ('93) and Deborah Perluss ('78).



Lloyd Chee ('00) and Thomas Affolter ('02).



May Snow, Charles Snow ('51), 1976 classmates Ronald Ward and Catherine Noonan, and Michael Schneider ('02).



Alumni Association Board member Dennis Hightower ('92) and Greg Ursich ('88).



Maureen Burke Cobarr ('98), Chancellor Kane, and Michael Fleming ('75).

NEW YORK CITY CHAPTER'S
NEW ADMITTEES RECEPTION
MERRILL LYNCH, NYC
MAY 5, 2003



Admitted students Shining Hsu, Katherine Thursby, and Ana Jaquez.



Betty Medsger, Chancellor Kane, Hon. John Racanelli ('52), and Ian Wallach ('99).



Seth Paprin ('78), Mitchel Shornick ('84), Jill Simeone ('93), David Bargman ('78), and Kenneth Bond ('72).



Lars Forsberg ('78), James Irish ('81), and Robert Radway ('68) with New York Chapter President Marv Sussman ('50).



Lyndelle Phillips ('84) and Alexa Smith ('94).



Erzsebet Karkus ('02) and Christopher Clay ('01).



1990 classmates Erin Cornyn and reception host Melanie Smith.



Chancellor Kane, Samuel Friedman ('87), and Judith Villard ('67).

WASHINGTON, D.C., CHAPTER'S NEW ADMITTEES RECEPTION
PATTON BOGGS
MAY 6, 2003



Reception host Tim Mills ('86) and Roland Halstead ('74).



Ruth McLay ('90), Andrew Sorokowski ('79), and Guity Deyhimy ('78).



Lindsay Williams ('00), Paula Heard ('96), and Wendy Keegan ('00).



1994 classmates Kevin Stern and James Harper.



Thomas Watson ('94) and Debra Laboschin ('99).



Andrew Eskin ('84), Chancellor Kane, and Jim Bubar ('78).



Admitted students Christopher Lockard and Catherine Paskoff.



Douglas Orvis ('96), Allison Alvarado ('93), and Phyllis Whitten ('80).

SAN FRANCISCO RECEPTION MORRISON & FOERSTER MAY 8, 2003



Alumni Board of Governors member Steve Van Liere ('91) and reception host Wes Overson ('91).



Ruth Glick ('91) and 2002-03 Alumni Association President Fred Butler ('86).



Tom Gibson III ('75) and Gary Anderson ('66).



Chancellor Kane, Kathy Sarria ('95), and 1992 classmates Shaun Murphy and Chris Holland.



Ed Antolin ('94), Tony Canini ('97), and Jocelyn Ram ('06).



2000 classmates Jacek Lentz and Joan Podolsky Sinclair with David Sinclair ('98).



Rick Garcia ('98) and Dr. Armand Roth ('00).



Brandon Villery ('00) and reception host Raj Chatterjee ('94).



Deborah Daniloff ('89) and Professor Marc Greenberg ('79).



Susan Antonelli and Bart Lally ('85).



2000 classmates Ion Meyn, Warren Jackson, and Jerelle Wiegand Welling.



Adrian Sawyer ('99), John Milani ('94), and Tony Morales ('64).

LATINO ALUMNI CHAPTER'S
GRADUATION CELEBRATION
AND DINNER
MAY 17, 2003

SAN DIEGO CHAPTER'S
LUNCHEON
MAY 22, 2003



1978 classmates Dean Leo Martinez and keynote speaker Hon. Robert Tafoya, Chancellor Kane, Treasurer Mercedes Moreno ('80), and 2002-03 Alumni Association President Fred Butler ('86).



San Diego Chapter President Steve Allen ('94), luncheon speaker Hon. William Mudd ('69), and host Tom Fat ('65).

SONOMA ALUMNI RECEPTION
KENDALL JACKSON WINERY, SONOMA
MAY 30, 2003



Alumni Association Board member Peter Burns ('00), Gowon Song ('01), Kimberly Unti ('93), and Alumni Association Board member Dennis Hightower ('92).



William Harrison ('66), Jackie Harrison, Karen Bradbury, and Alumni Association Board member Hon. Stephen Bradbury ('76).



Board of Directors member Maureen Corcoran ('79), Hon. Brad Hill ('83), College Relations Director Tim Lemon, Chancellor Kane, and Treasurer Mercedes Moreno ('80).



Kendall-Jackson Winery Proprietor and reception host Barbara Banke ('78) and Chancellor Kane.



Nicy Dermott, Ed Dermott ('54), and Alumni Association Board member Steve Van Liere ('91).



Darlene Smith and Alumni Association Board member Vernon Goins ('97).



Sandra Serrano ('78), Alumni Association Board member Hon. Robert Tafoya ('78), and ASUCH representative John Yun ('04).



Steve Gee ('88), Alumni Association Board member Amy Thomas ('99), Maurice Le Vois, and Hastings Board of Directors member Maureen Corcoran ('79).



Jennifer and John Hendrickson ('01), former ASUCH President.



Dephine Doucette-Rubin and Joel Rubin ('75).



Philip Shaw ('68) and Lynn Shaw.



Under the tent at Kendall-Jackson Winery.

Justice Baxter's 2003 Commencement Remarks



California Supreme Court Justice Marvin Baxter is a member of Hastings' Class of 1966. As appointments secretary to Governor George Deukmejian for six years in the 1980s, he was the Governor's principal adviser on executive and judicial appointments and assisted in the appointment of more than 700 judges. He served on Hastings' Board of Directors, the College's governing body, from 1989 to 1990, stepping down upon his elevation to the state's highest court in 1991. In 1998, the Hastings Alumni Association named him *Alumnus of the Year*. On these pages are excerpts from his address.

This Advice to Graduates Also Holds True for Veteran Lawyers

If this graduating class is typical—and I assume it is—you will soon set forth upon diverse professional paths. A legal education provides a broad range of career opportunities, unlike some other fields where you are pigeonholed for life.

You will soon join a wonderful profession. But throughout history, the legal profession has had more than its share of detractors. In today's "bottom line" culture, our legal system is under particular scrutiny. We face a level of public expectation—and even suspicion—which is higher than ever before. You will form the front line of our response to this challenge. This is my advice on how to earn the public's respect and admiration.

BE PART OF THE SOLUTION, NOT PART OF THE PROBLEM

In applying the knowledge and skills learned in law school, remember that the law is civilized society's way of resolving the problems, issues, and disputes that human nature creates. Your fundamental job as a lawyer is to resolve disputes with justice and without undue social cost. Vigorous and principled advocacy promotes the just resolution of disputes; obstructionist tactics do not. Your professional purpose is not to make life miserable for your client's adversaries. It is not to lead your client in a suicide charge toward an unattainable goal. It is not to give vent to your client's petty aggressions or to your own. Rather, it is to find the fairest and most efficient means of meeting your client's legitimate needs. Accept the challenge of vigorous and principled advocacy, but if a prospective client is looking for a rabid pit bull to achieve an illegitimate goal—my advice is to decline the opportunity and refer him to the pound.

In the heat of battle, lawyers sometimes forget that an opponent may have a legitimate position of his own. In the long run, that attitude leads to disaster. It hardens the adversary's resolve and builds in costs that may not be justified by the issues at stake. When the error is repeated and multiplied in thousands of cases, the legal system, and society itself, are strained by the burden. So always search for solutions. This sometimes means compromise—settlement—or other alternatives to litigation, even letting your client know when he's way out of line. More than a century ago, Abraham Lincoln, who was a great lawyer, gave this advice:

Discourage litigation. Persuade your neighbors to compromise wherever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time.

That advice remains true today.

Of course, the best way to solve a problem is to stop it from arising in the first place. Preventive legal medicine is the keystone of a system that works. Society relies on us not only as litigators and mediators, but as planners. Often, a lawsuit is a sign that some attorney did not do the job. When you are given the opportunity to plan—by drafting a contract, a lease, or a will—remember your duty to solve problems justly. By doing so, you serve your client, and the system, to the highest degree.

Remember that your adversaries, like you, are human beings. The same is true of witnesses and others you'll come into contact with. They have friends, families, and lives. Treat them with respect. Your effectiveness as a lawyer will not be enhanced by being mean and nasty. Tolerance is a virtue that will add to your status as a lawyer and as a person.

Continued on p. 36

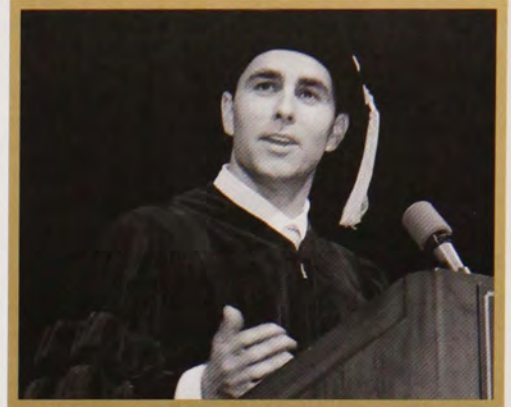
Commencement Album



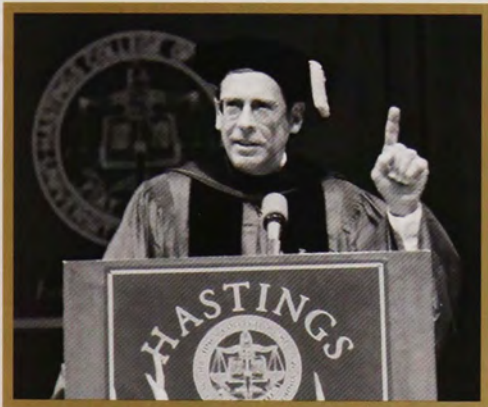
2003 Valedictorian Ellen Fred.



John Weber, Paul Wolsey, and Eric Chamberlain.



Class of 2003 speaker Eric Wersching



Professor Rory Little delivers farewell remarks.



Sanh Tran and Maria Labos.



1966 classmates California Supreme Court Justice Marvin Baxter ('66), the Commencement speaker, with James Mahoney, Chair of the Board of Directors.



Alaleh Azarkhish celebrates with balloons and orchids.



Academic Dean Leo Martinez ('78), University of California Vice President Winston Doby, Chancellor Kane, and Jan Lewenhaupt of Hastings' Board of Directors.



Diploma firmly secured, a round of applause is in order.

USE COMMON SENSE

As complete lawyers, you must apply your common sense, your instincts, and your mature judgment. Your new skills in legal analysis must complement these qualities, not subvert them. Your professional status does not exempt you or your work from the rules of life and nature that apply to everyone.

Constitutions, codes, and cases represent our democratic government at work for people. They represent our best effort to create a society both fair and effective. Consider them in that light.

In your research, seek a pattern, an underlying cohesion. As you read, keep asking, "What is the purpose?" "What is the intent?" "What's really going on here?" "How does this fit into the real world of human beings and their affairs?" When your research has practical context, you are most likely to find the answers.

MAKE IT CLEAR AND SIMPLE

Someone who simplifies a problem is helping; someone who complicates it is not.

Remember that when you draft a contract, a settlement, a lease, a will, or a set of bylaws, you are writing rules for nonlawyers to live by. Give them a break—do it in clear and simple English.

Lawsuits aren't decided by the weight of the briefs. They are called briefs for good reason. Time is short, dockets are long, and human patience is limited. Judges appreciate a lawyer who knows which issues to emphasize and how to be precise and succinct. Human nature being what it is, that appreciation can only work to your client's advantage. Appellate opinions also should be crafted with the same considerations in mind.

Sometimes brevity and simplicity require an extra degree of intellectual effort. In your professional life, that extra effort will pay dividends.

HOLD ON TO YOUR ETHICS

Law practice is intense by nature. Competition for clients and "good results" show no sign of abating. It's easier than you think to lose sight of ethical values in the heat of battle. Too many lawyers forfeit their privilege to practice law because of ethical lapses. This is a huge price to pay, especially when you consider the years of work to become a lawyer.

How should we approach our ethical responsibilities? The rules of ethics are a helpful start. So is the ethics exam you all must take before entering practice. But unless you keep constant sight of the ethical implications in every situation, it's all for naught. And remember that alcohol or drug addiction often underlies ethical violations that may lead to disbarment.

Maintain your instincts for honesty, decency, integrity, and fidelity, and keep your personal life in order. If you are confronted with a situation where your ethics could possibly be questioned, stop in your tracks and get reliable advice before proceeding further. The price you may pay is certainly not worth the risk.

GIVE SOMETHING BACK

By training and history, lawyers have found themselves at the center of life in the larger community. We may take our lumps, but our neighbors have always looked to us for help and leadership in public affairs. Don't let the narrow pressures of practice distract you from the responsibilities of good citizenship. Whether your interests lie in your *alma mater*, bar association activities, or community affairs, pursue them. Make your unique contribution. Your connection to the larger community can only make you a better lawyer.

BALANCE YOUR LIFE

There is something about the intellectual process of law that is all-absorbing. That's why it's so necessary to step back from time to time to refresh. A lawyer who is stale, burned out, and overworked to the point of collapse is not effective or functional. Rested lawyers do better work, and they aren't as likely to lose sight of larger goals and values. Cling to your outside interests. If you don't have any, develop some. Make the time to do whatever gives you personal fulfillment and satisfaction. You owe it to yourself, and you owe it to your profession.

Nurture your emotional life. Don't let your feelings wither away in the stress or practice. Cultivate your love for family members and friends. No matter how important an office problem may seem at the moment, family and friends are more important. Remember, law is about human affairs.



Harry D. Sunderland
Distinguished Professor
of Real Property Law John

Leshy joined the Hastings faculty in July 2002. He received his legal education at Harvard Law School and, after litigating civil rights cases for the U.S. Department of Justice, spent five years with the Bay Area office of the Natural Resources Defense Council. In 1977, he joined the Carter Administration as Associate Solicitor for Energy and Resources.

He became Professor of Law at Arizona State University in 1980, where he taught for 12 years, returning to Washington to serve as Special Counsel to Chairman George Miller of the House Natural Resources Committee. In early 1993, President Clinton appointed him Solicitor (General Counsel) of Interior, where he headed a staff of some 400. He served Secretary Bruce Babbitt until the end of the administration.

Professor Leshy came to Hastings in 2001 as a visiting faculty member. He teaches constitutional law, property, Indian law, water law, public land law, natural resources law and policy, and law and social change.

He has published widely on the topics of constitutional and comparative law, public lands, and water law and other natural resources issues, including a book on the Mining Law of 1872 and the Arizona Constitution. He is co-editor of the fifth edition of the standard federal public lands and resources law casebook and of the third edition of a leading water law casebook.

FOR THE BENEFIT OF THE COLLEGE

NATIONAL CHAIR HARRY SUNDERLAND LAUNCHES 2003/04 ANNUAL CAMPAIGN WITH A MAJOR ENDOWMENT

Harry Sunderland, a 1961 Hastings graduate who will serve as the National Chair of the law school's 2003/04 Annual Campaign, recently kicked off the campaign by contributing \$250,000 to the 1066 Foundation for the endowment of a Distinguished Professorship of Real Property Law. The new Harry D. Sunderland Distinguished Professorship of Real Property Law—the 10th prestigious Distinguished Professorship established at the College—will bolster Hastings' capacity to both recruit and retain nationally prominent teachers and scholars on the faculty.

Harry Sunderland joined Safeway Stores, Inc., as an attorney in the Real Estate Law Department in March of 1962, where he handled more than 400 real estate transactions each year for the next five years. In 1968, he was named Manager of eight attorneys in the Real Estate Law Department, supervising all of the legal aspects of Safeway's multibillion dollar real estate holdings of more than 4,000 properties. Five years later, he became Vice President of Real Estate Law and Finance, negotiating and closing all of Safeway's long-term financing, as well as supervising the Real Estate Law Department.

In 1980, Sunderland was elected as Safeway's Senior Vice President and Chief Financial Officer. Two years later, he was elected Executive Vice President and a Director of Safeway, as well as continuing as the Chief Financial Officer, with responsibility for Accounting, Real Estate, Human Resources, Law, Data Processing, Tax, Governmental Relations, Risk Management, Labor Relations, and Finance. In 1984, he accepted additional responsibilities, at a time when Safeway was the largest grocery supermarket chain in the world, for all of Safeway's retail operations in England, Scotland, West

Germany, and Australia, as well as for a joint venture in Mexico.

In 1986, Safeway became the subject of an unfriendly takeover attempt that was rejected as not being in the best interests of its shareholders and employees, but, in order to maximize shareholder value, Sunderland assisted in the negotiation and sale of Safeway to entities formed by Kohlberg, Kravis, Roberts & Co. A new, private Safeway



Corporation emerged several months later, and Sunderland was elected as one of two inside Directors and as Chief Financial Officer, with principal responsibilities to restructure and recapitalize the new company. The restructuring and capitalization programs were extremely successful, and the emerging new Safeway was able to go public within three years. Sunderland was elected Vice Chairman in 1990 and, after 30 years of service, took early retirement in 1992. He remained a consultant to the company for many years thereafter.

A longtime Hastings 1066 Foundation member and benefactor of the law school, Sunderland assumed the National Chair's position for the current Hastings Annual Campaign on July 1, 2003. In announcing Mr. Sunderland's appointment, Chancellor

Mary Kay Kane commented:

Hastings is indeed honored that we have been able to enlist the services of an alumnus as distinguished as Harry Sunderland to serve as the National Chair of this year's campaign. His wholehearted acceptance of our invitation and his willingness to undertake this key task are indicative of both his gratitude for the education he received at Hastings and for the importance he places on being of assistance to his *alma mater*. That he would launch the campaign in such a magnificent fashion by endowing a new Distinguished Professorship is a true testament to the depth of his commitment to the school and to its continuance as a national center of cutting-edge legal scholarship and teaching.

In a fall letter to alumni and friends of the College kicking off the 2003/04 Annual Campaign, Sunderland observed:

Fundraising is not one of my favorite pastimes. But in this case, I feel an obligation to do so. Hastings provided me with the education that led to a most satisfying and rewarding professional career. As an expression of gratitude, over the years, I have made contributions so that others can have the opportunity I had. I hope you have come to value your legal education in the same way.

Sunderland, who has encouraged his fellow alumni to join him in making contributions to the 2003/04 Annual Campaign, will serve as National Chair through June 30, 2004. (A full report on the recently completed 2002/03 Annual Campaign will appear in the next issue of the *Hastings Community*.)

FACULTY NOTES

Autumn 2003

PROFESSOR MARK AARONSON spoke at the Association of American Law Schools Clinic Directors' Workshop, held in Vancouver, B.C., on May 13, as a member of the opening plenary panel, which focused on how choices in clinic design and administration affect student perceptions about professionalism. □ He also was a Small Group Discussion Leader at the AALS Workshop on Clinical Legal Education held immediately thereafter from May 14-17.

PROFESSOR VIKRAM AMAR had published two articles: □ "The 'New' New Federalism—the Supreme Court in Hibbs (and Guillen)," 6 *Green Bag 2d* 349 (2003). □ "Back to the Future: Race in OT 2002," Preview of United States Supreme Court Cases, October 2002 Term, Issue 8, page 6 (American Bar Association Publication) (July 2003). □ His review of Ian Ayres' *Pervasive Prejudice*, "The Many Ways to Prove Discrimination," appeared in 14 *Hastings Women's L.J.* 171 (2003).

At *Findlaw.com*, he published 10 online articles: □ "Is It Appropriate, Under the Constitution, for State and Local Governments to Weigh In on the War on Terror and a Possible War With Iraq?" March 7, 2003. □ "Can't Win for Losing—The Bizarre World of the Eleventh Amendment, Which Governs Suits Against States in Federal Court," March 21, 2003. □ "A Pending Supreme

Court Case Addresses *Ex Post Facto* Clauses," April 4, 2003. □ "Will the Supreme Court Compound Its *Ex Post Facto* Error? (Part II)" May 2, 2003. □ "How a Recent Decision of the U.S. Court of Appeals for the Ninth Circuit Regarding Child Pornography Extends the Supreme Court's Federalism Cases," May 16, 2003. □ "The Missing Piece in the 2002-03 Supreme Court Term: The Forgotten Fourth Amendment, and Why It Will Greatly Matter in the War on Terror," May 30, 2003. □ "With a Potential Supreme Court Nomination at Stake, Questions of the Filibuster's Constitutionality Linger," June 13, 2003. □ "Can the Senate Bind Itself So That Only a Supermajority Can Change Its Rules? A Key Issue in the Controversial Filibuster Debate," June 27, 2003. □ "The 2002-03 Supreme Court Term in Review: Landmark Cases Stress the Theme of Equality," July 11, 2003. □ "An Important Part of the California Recall Process is Unconstitutional, According to U.S. Supreme Court Precedent," July 25, 2003 (with A. Brownstein).

In May, Professor Amar was a presenter at a conference on constitutional protections of privacy, sponsored by the Electronic Privacy Information Center in Washington, D.C. □ Also in May, he was a presenter on the topic of Supreme Court developments at the California Judicial Staff Conference in Newport Beach. □ In June, he spoke on Supreme Court

developments at the Judicial Conference for the U.S. Court of Appeals for the Ninth Circuit in Kauai, Hawaii. □ Constitutional trends was his topic in July, when he spoke in Davis to the USA Law Program for International Lawyers. □ Also in July in San Francisco, he was a member of a panel on antidiscrimination law developments at the Labor and Employment Section meeting of the Bar Association of San Francisco. □ A Supreme Court roundup was his topic at the Annual Conference of the National Association of State Legislatures, held in July in San Francisco. □ That same month, he served as a member of a panel, "Supreme Court Term Review," at a Bar Association of San Francisco luncheon in San Francisco. □ In August, he spoke on recent constitutional law developments as part of the Public Interest Speaker Series of the Employment Law Center in San Francisco. □ Also in August, he was a member of a panel, "Race Cases in the Most Recent Term," at the American Bar Association Convention in San Francisco. □ Over summer 2003, Professor Amar was a guest on three KQED Radio "Forum" programs, speaking on the California gubernatorial recall campaign, the Supreme Court's federalism and criminal procedure cases, and the statute of limitations for sex offenders.

PROFESSOR ASHUTOSH

BHAGWAT had published the following: □ "Institutions and Long-Term Planning: Lessons from the California Electricity Crisis," 55 *Admin. L. Rev.* 5 (2003). □ "The Story of *Whitney v. California*: The Power of Ideas" in *Constitutional Law Stories* (Michael Dorf ed., 2003).

In March, he presented opening remarks at a symposium, "Security in America: Privacy and Safety in the New Millennium," sponsored by the *Hastings Communications and Entertainment Law Journal*, in San Francisco.

PROFESSOR GEORGE BISHARAT

had published "Facing Tyranny With Justice: Alternatives to War in the Confrontation With Iraq," in 7 *J. Gender, Race & Just.* 1 (2003).

In January, he presented a speech entitled "The Palestinian Nakba of 1948: Looking Back, Looking Forward," at Congregation Rodef Shalom in San Rafael. □ In March, he gave two lectures to the South Bay Chapter of the Jewish Voice for Peace. The first was entitled "The Israeli Occupation of the West Bank and Gaza Strip, 1967-1993" and the second was entitled "The Oslo Accords and the al-Aksa Intifada." □ Also in March, he spoke at Boalt Hall at a conference entitled "Holding the U.S. Accountable: Human and Civil Rights Violations Post-9/11" and sponsored by the student International Human Rights Board. □ In April, he spoke to the Jewish Voice for Peace Chapter in Sacramento on the Israeli occupation of the West Bank and the Gaza Strip. □ Later in April, he spoke on the legal implications of the war on Iraq at the annual meeting of the Placer County Bar Association in Lake Tahoe. □ In May, he was a panelist at the World Affairs Council in San Francisco providing commentary on the current status of the West Bank and Gaza Strip and the Roadmap to Peace in the Middle East. □ In August, he was again a panelist at the World Affairs Council in San Francisco on a panel entitled "Immigration

After 9/11—Security at What Cost?"

□ Also in San Francisco in August, he presented invited remarks at the Commonwealth Club of California entitled "The Nakba: International Law as a Basis for the Right of Return and Apology as a First Step Toward Reconciliation."

Among Professor Bisharat's media interviews was a visit in March to National Public Radio affiliate KQED, where he spoke on the "Forum" program on the indictments of several San Francisco police officers. □ The German newspaper *National-Zeitung* published interviews with Professor Bisharat in March on the Iraq war and in June on U.S. Middle East policy. □ In separate spring and summer appearances on MSNBC's "Dan Abrams Report," he addressed the topics of a civil suit against the Palestinian Authority and the Sami al-Arian case in Florida.

PROFESSOR RICHARD

BOSWELL had published the 2003 Supplement and the 2003 Teacher's Manual to his casebook *Immigration and Nationality Law: Cases and Materials* (3d ed.).

In May, Professor Boswell was a Small Group Discussion Leader at the Association of American Law Schools Clinical Workshop on the topic of professionalism in Vancouver, B.C. □ In July, in Oñati in the Basque Province of Spain, he presented a talk at the International Institute for the Sociology of Law entitled "Las Consecuencias Sociales y Humanas de la Privatización de la Educación Legal y los Servicios Legales Para Personas Con Bajos Recursos Económicos—Un Pedido Urgente de Auxilio" (The Social and Human Consequences of the Privatization of Legal Education and Services for Those With Limited Economic Resources—An Urgent Plea for Help).

PROFESSOR WILLIAM DODGE

had published the third edition of *Transnational Business Problems* (2003) (with Vagts and Koh).

In August, he gave a talk entitled "Recent Challenges to Alien Tort Litigation" at the American Bar Association Annual Meeting in San Francisco.

PROFESSOR ROBIN FELDMAN

in March gave a presentation in San Francisco on the regulation of biometric data at the *Hastings Communications and Entertainment Law Journal* Symposium on Privacy and Security in the New Millennium, at which she also served as moderator. □ In August, she presented a paper entitled "Should We Breathe Life Into Patent Misuse?" at Boalt Hall's Annual Intellectual Property Scholars' Conference in Berkeley.

PROFESSOR BRIAN GRAY

had published two articles: □ "Takings and Water Rights," 48 *Annual Proceedings of the Rocky Mountain Mineral Law Foundation*, Chapter 23 (2002). □ "The Property Right in Water," 9 *Hastings West-Northwest J. Envtl. L. & Pol'y* 1 (2003).

During spring semester 2003, he was a Visiting Professor at the University of Leiden, The Netherlands, where he taught a seminar on the legal history of the American West to students from nine countries. □ In January 2003, he testified as an expert witness in the Pacific Gas and Electric Company bankruptcy proceedings in the U.S. District Court for the Northern District of California on the applicability of federal, state, and local environmental laws to the reorganized utility.



JEFFREY LEFSTIN JOINS THE HASTINGS FACULTY

Assistant Professor Jeffrey Lefstin joined the College's faculty in July, coming to Hastings from the U.S. Court of Appeals for the Federal Circuit in Washington, D.C., where he served a two-year term as clerk to Judge Raymond C. Clevenger III. Previously, he had practiced patent and antitrust law with the biotechnology and litigation groups at Townsend and Townsend and Crew.

Professor Lefstin received his undergraduate degree *magna cum laude* from Brown, then earned a Ph.D. in biochemistry from UCSF. His scientific papers have appeared in *Nature*, *Genes and Development*, and the *Journal of Molecular Biology*. He studied law at Stanford, where he was elected to the Order of the Coif and was Submissions Editor of the *Stanford Technology Law Review*.

PROFESSOR WILLIAM T. HUTTON is one of seven nationwide winners of the 2002 Outstanding Nonprofit Attorney Award given by the American Bar Association's Business Law Section. The honor recognizes experts in nonprofit and tax law with an emphasis on tax aspects of land conservation and preservation.

CHANCELLOR AND DEAN MARY KAY KANE, DISTINGUISHED PROFESSOR OF LAW, had published the fifth edition of her *Nutshell on Civil Procedure*.

CHARLES KNAPP, JOSEPH W. COTCHETT DISTINGUISHED PROFESSOR OF LAW, had published an article exploring (and deploring) the phenomenon of "mandatory" arbitration, "Taking Contracts Private: The Quiet Revolution in Contract Law," 71 *Fordham L. Rev.* 761 (2003). □ In the spring of 2003, he had published the fifth edition of his contracts casebook, *Problems in Contract Law*, and its supplement, *Rules of Contract Law*, of which he is a co-author with Hastings Professor Harry G. Prince and Professor Nathan Crystal.

During fall 2003, he is a Visiting Professor at Brooklyn Law School.

PROFESSOR DANIEL LATHROPE had published the 2003-2 Supplement to his treatise, *The Alternative Minimum Tax: Compliance and Planning With Analysis*. □ Also published was the 2004 edition of *Selected Federal Taxation and Regulations*.

PROFESSOR EVAN LEE in March was interviewed by CBS affiliate Channel 5 KPIX and by Channel 11 KNTV regarding indictments of top officers in the San Francisco Police Department. □ Also in March, he was interviewed on KCBS radio on the Supreme Court's decisions regarding the constitutionality of California's "Three Strikes" law. □ In April, Channel 4 KRON interviewed him regarding the law of fetal homicide in connection with the Laci Peterson case. □ Also in April, he was interviewed by Fox affiliate Channel 2 KTVU and by KCBS radio on a series

of bank robberies. □ The Ed Rosenthal marijuana conviction was the topic of a May interview on NBC affiliate Channel 3 KNTV. □ Also in May, Professor Lee was interviewed on Channel 4 KRON with respect to allegations of racial profiling at San Francisco International Airport. □ In July, he served as a panelist for the "Supreme Court Review," a televised program for federal judges and court personnel produced by the Federal Judicial Center. The show was taped in Washington, D.C., and televised to federal courts nationwide.

JOHN LESHY, HARRY D. SUNDERLAND DISTINGUISHED PROFESSOR OF REAL PROPERTY LAW, had published the fifth edition of the *Statutory Supplement* and the *Teacher's Manual to Federal Public Land and Resources Law* (2002).

He was a participant in a panel discussion, "Tensions in Water Law," at the annual meeting of the National Water Resources Association in San Diego in July.

PROFESSOR DAVID LEVINE presented a paper, "Reparations for Slavery: A Structure for Discussion and Consideration of a U.S. Litigation Alternative," at the 2003 Conference of the Commonwealth Legal Education Association in June at the University of Windsor School of Law in Windsor, Ontario.

RICHARD MARCUS, HORACE O. COIL ('57) CHAIR IN LITIGATION, in March was principal presenter at a Stanford Law and Technology Association Conference, "Ideas Without Boundaries—Creating Intellectual Property in the International Arena." His talk was entitled "Discovery Challenges Here and Abroad." □ In May, he was principal presenter at a conference, "Procedural Change in America: Reform Through Rulemaking?" at Ritsumeikan University in Kyoto, Japan. □ Also as principal presenter, he gave a talk, "Reining in the American Litigator: The New Role of American Judges," at the Japan Association of the Law of Civil



Professor Shauna Marshall was among seven receiving 2003 Mathew O. Tobriner Public Service Awards at the 87th anniversary luncheon of the Legal Aid Society Employment Law Center in June. Recipients were commended for being "members of our community who have strived to ensure that justice works for those who are the most vulnerable among us." Making the presentation was Senior Judge Thelton Henderson of the U.S. District Court for the Northern District of California.

Procedure in Tokyo in June. □ Also in June, he moderated a panel, "The Discovery Wars: Discovery Disputes in Products Liability Litigation," at the Association of American Law Schools Conference on Civil Procedure held in New York City.

ACADEMIC DEAN LEO MARTINEZ during summer 2003 conducted a site inspection for the American Bar Association of the Loyola New Orleans School of Law summer program in Budapest, Hungary. □ Upon his return from Europe, he appeared in Josh Kornbluth's "Tax Talks." The program, a discussion between tax academics and satirist-playwright-author Josh Kornbluth, was sandwiched between sold-out performances of Kornbluth's "Love and Taxes" at Fort Mason's Z-Space Theater. □ Dean Martinez was invited to join the Board of Directors of the Saint Francis Hospital Foundation. □ Also during the summer, Dean Martinez was elected Chair of the Board of Directors of Public Advocates, one of the oldest public interest law firms in the West.

PROFESSOR MELISSA NELKEN gave a talk on the topic of negotiation to the Young Lawyers Business Law Section of the American Bar Association at its annual meeting held in San Francisco in August.

ROGER PARK, JAMES EDGAR HERVEY CHAIR IN LITIGATION, is the author of a book chapter, "Empirical Evaluation of the Hearsay Rule," in *Essays for Colin Tapper* 91 (Peter Mirfield & Roger Smith eds., 2003).

Professor Park was chosen by members of the graduating Class of 2003 to receive the Outstanding Professor Award and was recognized on April 23 at the annual Third-Year Champagne Reception.

PROFESSOR JOEL PAUL was interviewed in April on Fox affiliate Channel 2 KTVU on the topic of the U.S. occupation of Iraq and questions about the ownership of a large sum of money discovered there during a search conducted by the U.S. military.

PROFESSOR AARON RAPPAPORT had published an article, "Philosophical Premises of the U.S. Sentencing Guidelines," in 52 *Emory L.J.* 557 (2003).

PROFESSOR NAOMI ROHT-ARRIAZA is the author of "Las Amnistias en Perspectiva Comparada: Derecho Internacional y Poder Judicial" in *Cuadernos de Doctrina y Jurisprudencia*

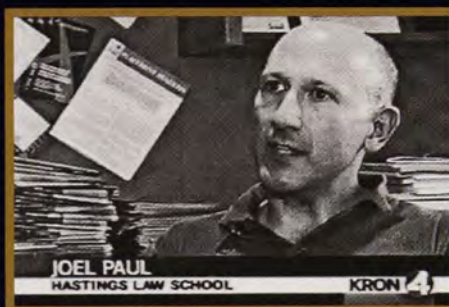
Penal, Year IX, No. 16 (Buenos Aires, Argentina: Ad-Hoc Villela ed., 2003).

In June, she was a guest on National Public Radio affiliate KQED on the "Forum" program, speaking on the Alien Tort Claims Act.

PROFESSOR STEPHEN SCHWARZ is the author of two publications: □ *Taxation of Nonprofit Organizations* (2003) (with Fishman). □ The 2003 Supplement to *Nonprofit Organizations* (2d ed.) (with Fishman).

PROFESSOR WILLIAM K.S. WANG had published an article: □ "The Supreme Court's Misplaced Concern With Selective Fairness: *Bush v. Gore* and Three Analogies to Grading Dilemmas," 52 *J. Legal Educ.* 272 (2002). □ His article "Stock Market Insider Trading: Victims, Violators, and Remedies—Including an Analogy to Fraud in the Sale of a Used Car With a Generic Defect" was reprinted in part in Nagy, Painter & Sachs, *Securities Litigation and Enforcement: Cases and Materials* (2003). The article, which originally appeared in the *Villanova Law Review*, previously was reprinted in full in both the *International and Comparative Corporate Law Journal* and *Securities Law Review*. □ His article "Selective Disclosure by Issuers, Its Legality and *Ex Ante* Harm: Some Observations in Response to Professor Fox" was published in England in 24 *The Company Lawyer* 144 (2003). The article originally appeared in the *Virginia Journal of International Law*.

FACULTY IN THE NEWS



Professor Joel Paul was interviewed on Channel 4 KRON in June on privacy issues before the Supreme Court in the *Lawrence* case.



In June, Professor Rory Little appeared on MSNBC commenting on the issue of keeping cameras out of the courtroom and the attorney gag order in the Laci Peterson murder case.

CLASS NOTES

CLASS OF 1950

HARVEY HOFFMAN was honored in May at a special session of the U.S. Bankruptcy Court, where the Santa Rosa Division's conference room was named in his honor. Hoffman, known as the dean of bankruptcy law in Northern California, retired in 1992 after practicing for nearly 40 years in San Francisco and the greater Bay Area. He and his wife live in Santa Rosa.

CLASS OF 1958

MAYOR WILLIE BROWN of San Francisco was reappointed as a member of the Board of Administration for the Public Employees' Retirement System by Gov. Gray Davis in January 2003.

CLASS OF 1959

LAWRENCE NOVACK has offices in Palm Desert and San Bernardino, where he exclusively practices family law and domestic partner issues.

CLASS OF 1960

HON. JOE GRAY retired in July as a judge of the Sacramento Superior Court.

HON. FORREST MARTIN, retired from the bench since 1995, has maintained a busy schedule that includes active involvement at the United Presbyterian Church and occasional work at the San Joaquin County Superior Court, Amador County Superior Court, and Calaveras County Superior Court. He and his wife, Ellen, live in Manteca.

HON. WILLARD MCEWEN was profiled in a March 27, 2003, *Los Angeles Daily Journal* article entitled "Magistrate Judge Sees His Territory Spread in 30 Years." Judge McEwen is a Magistrate Judge for the U.S. District Court, Central District of California.

CLASS OF 1963

JAMES CUTRIGHT, a retired attorney for one of the state's toxic-materials departments, has been volunteering with the Senior Legal Hotline in Sacramento for three years.

CLASS OF 1964

JOE COTCHETT was profiled in a May 4, 2003, *San Francisco Chronicle Magazine*, in which the *Chronicle* identified the top 25 Bay Area lawyers; Cotchett was featured in the "Top Ten."

HON. JAMES TREMBATH joined Action Dispute Resolution Services in San Francisco. Appointed by Gov. George Deukmejian, Trembath served as a judge in Contra Costa County for 13 years before he retired from the bench. He also served as supervising civil judge and was honored in 1995 as Judge of the Year by the Alameda-Contra Costa County Trial Lawyers Association.

CLASS OF 1965

BENJAMIN HAGAN, a retired Sacramento attorney, regularly volunteers his expertise to the Senior Legal Hotline, a Legal Services of Northern California program.

LAWRENCE NAGIN has joined O'Melveny & Myers as of counsel. Nagin recently was named as a

member of the new board of directors of Laidlaw Corporation, and in 2000 he was honored with the "Diversity 2000 Award" by the Minority Corporate Counsel Association and American Lawyer Media Corporation for promoting and encouraging the hiring of minorities.

COMM. GARY POLINSKY was profiled in a February 6, 2003, *Los Angeles Daily Journal* article entitled "Jurist Has a Way With Children." Polinsky is Court Commissioner for the Superior Court in Los Angeles.

CLASS OF 1966

GARY ANDERSON is a solo practitioner in San Francisco.

DONALD BELKIN writes that he still practices workers' compensation in Redding. He lives on a ranch with his wife, Mary, and many domestic and wild animals.

ROBERT LEVY has joined the Law Office of Dale S. Gribow in Palm Desert.

CLASS OF 1967

Sacramento Superior Court Judge **TALMADGE JONES** was profiled in an April 16, 2003, *Los Angeles Daily Journal* article entitled "Idyllic Childhood Sustains Judge on Court."

ATTENTION ALUMNI FROM THE 65 CLUB ERA

The College is soliciting anecdotes or reminiscences about 65 Club members that alumni might like to share. Please send them to *Community* Editor Fran Marsh at marshf@uchastings.edu or mail them to her at Public Affairs, Hastings College of the Law, 200 McAllister St. # 346, San Francisco, CA 94102.

NICHOLAS MOORE has joined the Board of Directors for Brocade Communications Systems, Inc., and will be a member of its Audit Committee. Brocade offers the industry's leading intelligent platform for networking storage. Moore recently retired from his position as Global Chairman of PricewaterhouseCoopers.

HARRISON SHEPPARD published in April 2003 *What's Wrong with Lawyers / What's Right with Lawyers*. At the request of **SENATOR JACKIE SPEIER ('76)**, Sheppard also has drafted Resolution (SCR 34), which was introduced into the California State Senate in June 2003, urging adoption of new State Bar admission and accredited law school curriculum requirements directly related to the conclusions about contemporary legal education and practice articulated in his book. He will testify as sponsor of the resolution before the Senate Judiciary Committee when public hearings are scheduled. Sheppard also has been a guest lecturer and visiting faculty member at both Stanford and Golden Gate University Law Schools.

CLASS OF 1968

JAMES BOSTWICK, a partner with Bostwick & Associates in San Francisco, has been inducted as President of the International Academy of Trial Lawyers. The IATL's membership is limited to 500 attorneys in the United States and an additional 100 in 30 other countries around the world.

HON. ALFRED KNOLL received his judicial appointment as an Administrative Law Judge with the California Unemployment Insurance Appeals Board. He also has served with the California Office of Administrative Hearings and as an arbitrator for numerous panels, including the International Holocaust Victims Tribunal, New York and Pacific Stock Exchanges, and San Francisco Office of Citizens Complaints. Knoll has volunteered over the last 15 years as a Moot Court judge for Hastings' first- and second-year appellate competitions.

PHILIP NELSON was profiled in a March 10, 2003, *Oregon Daily Courier* article entitled "Longtime Attorney Retires to Focus on the Art of Business." Nelson is retiring from legal practice and plans to spend time on his metal sculpture business. He remains of counsel to the law firm Nelson and James in Grants Pass, Oregon.



KENT OLSEN has joined the San Jose office of Hoge, Fenton, Jones & Appel as of counsel, where he will continue to focus on his areas of specialization, including structuring business formations, mergers and acquisitions, estate planning, and wealth transfer matters. He joins the firm's tax group and has experience handling business estate planning and tax issues. Practicing in the San Jose area for more than 30 years, he was a partner with Olsen & Madrid.

HON. MICHAEL TOWN, Senior Judge in the Family Court of the 1st Circuit in Honolulu, was approved by the Judicial Selection Commission to a new term that began on April 30, 2003, and will end April 29, 2013.

CLASS OF 1969

HON. LAWRENCE APPEL has been appointed by Gov. Gray Davis to the Alameda County Superior Court. Prior to his appointment, Appel was a solo practitioner whose practice emphasized complex civil litigation, including unfair trade practices, breach of contract, fraud, defamation, securities, and intellectual property disputes.

DOUG CROSBY has retired from full-time active practice at Jones Vargas in Las Vegas. Crosby will remain of counsel to the firm and plans to direct his efforts to the cruise travel agency he runs with his wife.

WILLIAM DUBOIS is an attorney in Oakland, specializing in criminal law. DuBois is on the 2003 Board of Directors of the Alameda County Bar Association and also is active in the Association's Criminal Court Appointed Attorneys Program.

RONALD KALDOR is completing his 19th year in private practice in health care law, representing physicians and patients regarding transactions, regulatory matters, and health insurance disputes. Kaldor and his wife, Rachel, Executive Director of the Dairy Institute of California, have two children. Their daughter is a junior at UCSC, and their son is 10 years old.

HON. SAMUEL STEVENS was profiled in a May 7, 2003, *San Francisco Daily Journal* article entitled "Judge Innovates in Family Court." Stevens is a Santa Cruz County Superior Court Judge.

CLASS OF 1970

THOMAS CURRY has been elevated to shareholder at McDonough, Holland & Allen in the Oakland office. Curry is part of the firm's public agency and redevelopment section.

NANCY PARENT in November 2002 was elected to the Pittsburg City Council for her third term. She last served in 1990.

CLASS OF 1971

PAUL CUMMINS was appointed Chief of the Criminal Division of the San Francisco District Attorney's Office.

ROBERT GEX is a partner with Davis Wright Tremaine in the firm's San Francisco office.

KATHRYN HALL and husband Craig were profiled in the *Dallas Business Journal* on January 31, 2003, in an article that outlines their involvement in the wine business in Napa. The couple own Kathryn Hall Vineyards and plan to expand their wineries and focus on the high-end wine market.

THEODORE LANDSWICK retired as Senior Deputy District Attorney in Alameda after 31 years. Landswick was hired by the Alameda County District Attorney's office in 1972 and worked in San Leandro, Alameda, and Oakland before being assigned to the Fremont office eight years ago. He and his wife, Julia, plan to move to San Diego, which will take them closer to family members.

HON. EDWARD ROSS retired in December 2002 from the Whatcom County, Washington, District Court, after completing six terms and 24 years on the bench. After a tour of Vietnam, Thailand, and Cambodia, he now has settled into a life of leisure interrupted by the occasional call to *pro tem* or to perform a wedding ceremony.

CLASS OF 1972

JOHN ECHEVERRIA has retired from his law firm in San Francisco and now is practicing in Reno, Nevada.

RUSSELL JOHNSON is a partner with Sidley Austin Brown & Wood in San Francisco, where he is an intellectual property and general commercial litigator.

LEMOINE SKINNER is of counsel at Goodson and Wachtel in Los Angeles, a firm that is concentrated primarily on domestic and foreign tax planning and tax disputes for individuals, families, partnerships, and closely held corporations.

CLASS OF 1973

HON. RICHARD ERWOOD was appointed to the Riverside County bench by Gov. Gray Davis. Erwood supervised the felony trial team, homicide team, and gang prosecution unit of the Indio branch of the

Riverside County District Attorney's Office. Erwood has tried 170 criminal cases and was named Prosecutor of the Year for Riverside County in 1984.

STEVEN MEYERS was hired by the Rancho Cordova City Council to serve as City Attorney. Meyers is the founder and managing principal of Meyers Nave Riback Silver & Wilson of Oakland.

JOSEPH O'CONNELL is with Andion, Shaw, McKee & Orleans in Los Angeles.

GREGG SINDICI was profiled on January 20, 2003, in the *San Diego Business Journal*. Sindici is a shareholder with Littler Mendelson in San Diego.

CLASS OF 1974

JOSEPH LYNN was honored by the Society of Professional Journalists' Northern California Chapter with a James Madison Freedom of Information Award for his work with the San Francisco Ethics Commission.

KENNETH SCHMIER, a partner with Schmier Industrial Properties in Oakland, was profiled in Bay Area newspapers on March 23, 2003, (*Hayward Daily Review*, *Alameda Times Star*, *Oakland Tribune*, *Tri-Valley Herald*) in an article entitled "Unlike Buses, Ideas Sometimes Ahead of Time." The article details Schmier's latest venture, privately held NextBus Information Systems, Inc., which tracks the position of transit vehicles with a global positioning satellite and transmits arrival information to electronic signboards at bus stops. As a law student, Schmier envisioned and led the fight for the Muni Fast Pass.

JAYNE WILLIAMS was appointed in April as San Leandro's City Attorney. In addition to her duties for the City of San Leandro, Williams serves as City Attorney in Suisun City, interim City Attorney in Stockton, and, until recently, interim City Attorney in Merced.

CLASS OF 1975

DEBORAH BALLATI, a partner with the San Francisco office of Farella, Braun & Martel, was presented with the 2003 Clara Foltz Award at a ceremony at Hastings in April. The award, named for California's first female attorney, is presented annually to Hastings alumnae for their professional and charitable accomplishments.

HON. ROGER BEAUCHESNE was profiled in a May 9, 2003, *San Francisco Daily Journal* article entitled "Modesto Bar Praises Jurist's Patience." Judge Beauchesne was appointed to the Municipal Court by Gov. George Deukmejian in 1990.

HON. DOUGLAS BOYACK was profiled in the *San Francisco Daily Journal* (March 21) and the *Los Angeles Daily Journal* (April 2) in an article entitled "Jurist Cites Lincoln as Inspiration." Judge Boyack has been a judge since 1990, serving on the Municipal Court until 1999, when he was elevated to Tuolumne Superior Court.

THOMAS GIBSON is a partner with PricewaterhouseCoopers in San Francisco.

MARLIESE KIM, a Santa Clara Superior Court Judge, retired from the bench in July 2003. Kim was appointed to the Santa Clara Municipal Court by Gov. George Deukmejian in 1989 and was elevated to Superior Court with unification in 1998.

CLASS OF 1976

W. ROBERT LESH has become a certified specialist in family law and, with the retirement of his father, with whom he was in partnership for 24 years, he became a solo practitioner, dealing exclusively with family law issues in all courts within San Diego County.

THOMAS MILLS was appointed by New Mexico Gov. Bill Richardson as Deputy Secretary to the New Mexico Energy, Minerals and Natural Resources Department, which regulates the oil, gas and mining industries, promotes renewable energy, and administers state forestry and park systems.

HON. JOSEPH SCOTT has been named by Gov. Gray Davis to a seat on the San Mateo County Superior Court. His general law practice has focused on business cases, plaintiffs' personal injury matters, and criminal defense.

CLASS OF 1977

HON. FAYE KOYANAGI has been appointed a District Court Judge of Oahu's First Circuit by Chief Justice Ronald Moon. Koyanagi was in private practice since 1982, specializing in personal injury, product and construction defects, property damage, no-fault dispute, and professional malpractice cases.

GREGG YAMANAKA was profiled in the "Leadership Corner" of the March 24, 2003, issue of the *Honolulu Advertiser*. Yamanaka is President of TeraBiz Training, a computer training firm in Honolulu.

CLASS OF 1978

ALFRED GIANINI is a Deputy District Attorney assigned to the homicide unit in San Mateo County.

HOWARD LIND was featured in the Executive Profile of the *San Francisco Business Times* on February 7, 2003.

GARY SEISER received the *California Lawyer* Attorney of the Year Award for 2002 in Juvenile Law. He was recognized by the magazine for his work in 2002 on five published decisions that helped shape juvenile dependency law, including two involving a new statute that took effect January 1, 2002, creating an exception to the termination of parental rights based on sibling relationships.

BRAD SELIGMAN was profiled in a May 4, 2003, *San Francisco Chronicle Magazine* article identifying the top 25 lawyers in the Bay Area. Seligman worked for 11 years for the law firm headed by Guy Saperstein and then founded the Impact Fund, a Berkeley nonprofit that underwrites others' class-action cases involving civil rights, poverty, and environmental issues.

RICHARD WAXMAN a partner with Wendel, Rosen, Black & Dean in Oakland, is the 2003 President of the Alameda County Bar Association.

CLASS OF 1979



VIKRAM GOSAIN '79

VIKRAM GOSAIN has been promoted to Director of Transfer Pricing for General Electric, Corporate Tax Organization. He and his family are moving from Kentucky to their new home in Easton, Connecticut.

ROBERT HERTZBERG, Speaker Emeritus of the California Assembly and partner in the government practice group of the international law firm Mayer, Brown, Rowe & Maw in Los Angeles, has agreed to serve as a senior consultant for the Los Angeles firm of Fleishman-Hillard. Hertzberg was honored recently by California State University as one of the 2003 Legislators of the Year for his work in placing the largest education bond to date, Proposition 47, before voters.

THOMAS MESEREAU was profiled in a March 27, 2003, *Los Angeles Times* article entitled "Blake's Attorney Known for Fierce, Tenacious Defense."

BRUCE PFAFF, along with his firm's co-owner, Michael Gill, continues to try personal injury cases in Chicago and surrounding counties and enjoys handling medical negligence cases, since they don't yet have MICRA. He reports that all of their free time is spent trying to defeat the Republican anti-patient legislation in Congress.

STEPHEN RYAN has joined the San Francisco office of Cox, Castle & Nicholson as a partner. Ryan was Chair of the Affordable Housing Practice at the San Francisco office of Bingham McCutchen. His business practice focuses on all aspects of financing and developing affordable housing projects throughout the United States.

CLASS OF 1980

BENJAMIN BALLARD has joined Higby & Ballard in San Francisco, where he specializes in commercial litigation.

CHRIS LAVDIOTIS continues his practice as a partner with Lombardi, Loper, Conant in Oakland and recently facilitated his 1,100th mediation. He is also the men's head varsity basketball coach at Piedmont High School.

MERCEDES MORENO, Assistant Attorney with the San Francisco District Attorney's office, was presented with the 2003 Clara Foltz Award at a ceremony at Hastings in April. The award, named for California's first female attorney, is presented annually to Hastings alumnae for their professional and charitable accomplishments.

ALBERT NICORA was appointed to the Board of Directors for Catholic Charities in Monterey. Nicora practices civil litigation, business law, and estate planning in Carmel. He and his wife, Melanie, and their four daughters live in Pebble Beach.



LOUIS SACHAR '80

LOUIS SACHAR was profiled in the January 5, 2003, issue of the *Los Angeles Times Magazine*. Sachar is the author of more than 18 children's books; his best-selling book, *Holes*, has sold more than a million copies and has been translated into more than 25 languages.

CRAIG WOOD has joined the Los Angeles firm of Greenberg Glusker Fields Claman Machtinger & Kinsella as a partner in the firm's real estate department.

NANCY WORTHINGTON, an attorney with the U.S. Treasury Department, spoke on the topic "Combating Terrorism: What Exactly Is Washington Up To?" at an event hosted by the Sonoma County World Affairs Council in Santa Rosa in Spring 2003.

CLASS OF 1981

HON. BERT AYABE was appointed as a District Court Judge of the First Judicial Circuit (Oahu). Ayabe is a solo practitioner specializing in the areas of personal injury, commercial litigation, arbitrations, and mediations.

CLARENCE CLAY second-in-command at the U.S. Attorney's Office, Northern District, in San Francisco has been appointed by Gov. Gray Davis to a judgeship on the Alameda County Superior Court.

THOMAS GEDE is Executive Director of the Conference of Western Attorneys General (CWAG) for 15 Western A.G.'s—working on timber,

salmon, water, and Indian issues. He has served as an adjunct professor for Federal Indian Law at University of the Pacific-McGeorge School of Law in Sacramento and argued before the U.S. Supreme Court in *Jones v. Democratic Central Committee*, California's open primary case.

A. CURTIS "CURT" SAWYER

is one of two shareholders in the Sacramento law firm of Miller & Sawyer. The firm specializes in complex tort, water contamination cases on behalf of public water agencies against chemical and oil companies. The firm successfully tried the first MTBE gasoline contamination case on behalf of South Lake Tahoe, which resulted in a \$69 million settlement after the jury found that two of the oil companies acted with malice. In the last four years, the firm has secured \$450 million in settlements on behalf of water agencies. Curt is married to

JEANNETTE LEJARDI ('81) and they live in Davis with their two sons.

GARY SHAPIRO has left Brobeck, Phleger & Harrison, where he was a partner, and is now a partner with Baker & McKenzie in the San Francisco office, practicing technology and intellectual property law.

CLASS OF 1982

INES FRAENKEL, former Oakland Deputy City Attorney, has joined the San Francisco office of Liebert Cassidy Whitmore, where she specializes in all areas of labor and employment law.

JULIE RUBENSTEIN is serving as interim Foundation Director at Rogue Community College in Oregon during the 2003-04 fiscal year.

CAROL SCHWARTZ was named President of the Board of Trustees for Parca, a Bay Area private nonprofit organization serving people with developmental disabilities and their families. Schwartz, who heads Carr McLellan's Real Estate Group in Burlingame, has been involved with Parca since 1999.

NATHAN SULT was appointed Chief Legal Officer at the Bank of Hawaii, where he will be managing the work of the bank's legal staff and its outside firms. Sult is on the executive committee of the Hawaii Public Radio Board of Directors and is an arbitrator for the Hawaii State Judiciary's Court-Annexed Arbitration Program.

CLASS OF 1983

A.L. "LEN" WELSH was named chief of the California Division of Occupational Safety and Health on April 21, 2003. Welsh will officially be Acting Chief until he is confirmed by the state Senate, which has one year to act on his appointment.

CLASS OF 1984

DEAN RICHARDSON has joined the Los Angeles office of Sheppard, Mullin, Richter & Hampton as a partner. Richardson has joined the firm's tax, employee benefits, and trusts and estates practice group.

CLASS OF 1985

JEFF ADACHI was the keynote speaker at the third annual Bay Area Asian Pacific American Law Students Association Conference, entitled "Connecting Our Communities," in February 2003. The APALSA conference was held at Hastings.

ROBERT GORLIN has joined Synchron, Inc. in San Mateo as VP of Finance and Administration. Synchron helps businesses make the most of their data center investments and available IT staff by enabling enterprises to virtualize, monitor, and automate the real-time allocation of server resources according to business-driven priorities.

KIM HUNTER, an Alameda County Deputy District Attorney and Chair of the Hayward Misdemeanor Team, currently is serving on the Board of Directors for the Alameda County Bar Association and also on the Attorneys for Children Committee and the Law Day Committee.

JEFFREY MAKOFF is co-author of a book, *Get Off the Fence! 10+1 Steps to Help You Make That Big Decision*, about making major life decisions. The publisher is Health Communications (publishers of "Chicken Soup for the Soul" books). (See article, page 11.)

ROBERT RADEMACHER is a solo practitioner in Cameron Park.

CLASS OF 1986



FRED BUTLER '86

HON. BRAD HILL ('83), 2003-04 Alumni Association President, presented 2002-03 President **FRED BUTLER ('86)**, right, with the gift of a watch for his service to the Association over the past year. The presentation took place at the September Alumni Board meeting in Anaheim.

GRANT CHUN has been named a Vice President of A&B Properties. Chun will be stationed at the company's Maui office, and his initial responsibilities will include land use planning and strategic business development for the development and management subsidiary of Alexander & Baldwin, Inc.

LINDA CUNNINGHAM was elevated to partner with Nossaman, Guthner, Knox & Elliott in the firm's Los Angeles office, where she is a member of the infrastructure and land use and environmental groups.

SANDRA ESCHER, Vice President and General Counsel for Silicon Graphics, Inc., was appointed by the U.S. Secretary of Commerce to the National Medal of Technology Nomination Evaluation Committee. The committee, composed of distinguished experts in the fields of science, technology, business, and patent law, reviews and evaluates all nominations for the Medal of Technology and makes recommendations to the President for final selection.

DAVID FEINGOLD, a partner with the San Rafael firm of Ragghianti Freitas Macias & Wallace, was installed as President of the Marin County Bar Association for 2003.

AUDREY JACOBS, of counsel at Thoits Love Hershberger & McLean in Palo Alto, is now Director of Government Relations for the Palo Alto Chamber of Commerce. In this capacity, she will advise the Chamber's Government Action Committee and Board on public outreach issues to try to build bridges between businesses, city government, and residents.

CLASS OF 1987

MICHAEL BURSTEIN was profiled in the *Beach Reporter* on May 1, 2003. The article highlights Burstein's work with the South Bay Mentoring Assistance Resource Team, which he founded.

HON. JILL FANNIN was appointed to the Contra Costa County Superior Court by Gov. Gray Davis in April 2003. Fannin has served as a judge *pro tem* in small claims cases and as a volunteer arbitrator for the Contra Costa County Bar Association's fee dispute program.

CARLA OAKLEY joined the new San Francisco office of Morgan Lewis in February 2003 and continues her litigation, registration, and counseling practice in the intellectual property field, with an emphasis on trademark, copyright, unfair competition, advertising, and Internet liability issues.

CLASS OF 1988

MATTHEW KRIMMER is now working at E! Entertainment Television in Los Angeles.



ELLEN SCHNED '88

ELLEN SCHNED was profiled in the January 27, 2003, issue of the *Multichannel News* in an article entitled "The Right Affiliations: Ellen Schned Courts Challenges, On and Off the Job." She is the Senior Vice President of national accounts and affiliate marketing for Court TV in New York. Schned was one of 13 women honored in May at the third annual "Wonder Women of Cable" luncheon sponsored by the New York Women in Cable, Telecommunications and Multichannel News.

LAURA SMITH has joined the San Francisco firm of Haight Brown & Bonesteel as of counsel. Smith focuses on risk management and insurance law.

JULIE VEHRENKAMP is Senior Counsel for Morgan Lewis in San Francisco. Vehrenkamp works from her home in Boulder, Colorado.

CLASS OF 1989

KAMALA HARRIS, San Francisco Deputy City Attorney, was profiled in an April 4, 2003, *San Francisco Chronicle* article describing her program "Matches," which pairs adult museum members with students from five Bay Area middle and high schools. The program was created by Harris after she was recruited to the SFMOMA Board of Directors.

JORGE HERNANDEZ, a solo practitioner in Riverside, was profiled in the *Los Angeles Daily Journal* (May 2) and *San Francisco Daily Journal* (May 13) in an article entitled "Attorney's Very Public Alter Ego." The article outlines his work in the courts by day and his work as a disc jockey on the airwaves at UC-Riverside's KUCR-FM at night.

CHRIS HILEN has become of counsel to the law firm of Davis Wright Tremaine in San Francisco. He advises clients on regulatory issues in the energy, telecommunications, and water industries and represents clients on utility regulatory issues, mergers and acquisitions, and other corporate transactions before the California Public Utilities Commission, the California Energy Commission, and other regulatory agencies.

PROFESSOR GEORGE KUNEY of the University of Tennessee College of Law has published a book, *The Elements of Contract Drafting With Questions and Clauses for Consideration*, which provides an overview of the issues and processes involved in drafting contracts and transactional documents.

PAVAN ROSATI has been elevated to partner with the San Francisco litigation boutique Jenkins, Goodman, Neuman & Hamilton. Rosati specializes in personal injury defense and consumer credit litigation.

HON. MCGREGOR SCOTT has been nominated by President Bush and confirmed by the Senate to be the U.S. Attorney for the Eastern District of California, which is headquartered in Sacramento. In that position, Scott will be the chief federal lawyer for 34 counties stretching from Bakersfield to the Oregon border and will oversee 70 Assistant U.S. Attorneys. He served as the District Attorney of Shasta County for the previous six years. He, his wife, Jennifer, and their two sons will be relocating to the Sacramento area.

CLASS OF 1991

DAVID BROADY was selected by his colleagues at the Placer County District Attorney's Office as the Prosecutor of the Year. Broady, an eight-year veteran of the office, prosecutes sexual assault cases—primarily child abuse.

PHYLLIS MARSHALL is a Senior Adviser with Manatt Phelps & Phillips in Sacramento.

SONJA WEISSMAN is serving on the Board of Directors of the Alameda County Bar Association.

CLASS OF 1992

JAMES COWAN has been elected to partnership with Thelen, Reid & Priest in San Francisco, where he concentrates his practice on mergers and acquisitions, finance, public offerings, private placements of debt and equity, and domestic and international joint ventures.

CLASS OF 1993

KEVIN LAMONTAGNE is an Operations Officer with the U.S. Army Medical Command at Ft. Sam Houston in Texas.

MICHELE LYNCH was promoted to partner with Ross, Dixon & Bell in Irvine.

JOHN MENDLEIN, Chairman and Chief Executive Officer of Affinium Pharmaceuticals, Inc., a drug discovery company in Canada, has been appointed to the Board of Directors of ACLARA BioSciences. ACLARA is developing advanced tools for drug discovery, genomics, and proteomics using its proprietary eTag assay chemistries.

MARIA PIZZOLI has joined the global equity securities group as a partner with Baker & McKenzie, focusing her practice on employee benefits and executive compensation.

PAUL SALVATY has been appointed partner with O'Melveny & Myers in the firm's Los Angeles office. Salvaty's practice is focused on complex commercial litigation and media law.

CLASS OF 1994



SANDRA MATTHEWS '94

SANDRA MATTHEWS has been named the new Director of Career Development for the University of West Los Angeles Schools of Law and Paralegal Studies in Southern California. Matthews is a freelance writer for the *Los Angeles Times* Education Section.

DAVID SILBERT was elevated to partner with Keker & Van Nest in San Francisco, where he specializes in complex litigation and intellectual property cases.

MATT WALSH has been appointed partner with Dewey Ballantine's Los Angeles office, where he is a member of the litigation department.

CLASS OF 1995

DAVID DOW was elevated to partner at Littler Mendelson, where he practices employment litigation in the firm's San Diego office.

RUTHERFORD GONZALVES, a regional political director for the United Farm Workers, has been picked by Monterey County Supervisor Fernando Armenta to fill a vacancy on a 10-member commission that makes decisions and advises the Board of Supervisors on land-use issues.

ALUMNI!

LET US HEAR FROM YOU

Use this convenient form to update us on your activities. We'll include your news in the "Class Notes" section of the *Hastings Community*, and we'll update your alumni records. Information about your professional emphasis is especially helpful when we are asked for referrals from other attorneys, and it assists us in matching students with prospective alumni mentors. It also enables us to invite you to events of special interest to you.

Mail this form to *Hastings Community*, c/o College Relations, 200 McAllister St., Room 209, San Francisco, CA 94102. *Photos are especially appreciated!*

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PROFESSIONAL EMPHASIS _____

JOB TITLE _____

BUSINESS PHONE () _____ FAX () _____

FIRM NAME _____

FIRM ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL ADDRESS _____

NEWS (Remember to answer the questions "who, what, where, and when" and to include your title and information about your former position, as well as your new position.)

Deadline for the Autumn 2003 issue was May 15, 2003. Deadline for the Winter 2003-04 issue was September 15, 2003.
Deadline for receipt of class notes for the Spring 2004 issue will be January 31, 2004.

JOSEPH LEVIN has opened the firm Levant, Martin & Levin, P.C. with offices in Philadelphia, Pennsylvania, and Atlantic City, New Jersey.

DANA SCHWARTZ was profiled in a January 27, 2003, *Los Angeles Daily Journal* article entitled "Lawyer Sails Away From the Corporate Life." Schwartz, a former associate at Sheppard Mullin in San Diego, set sail in January with her boyfriend on a year-long trip to the South Pacific.

MATTHEW SWARTZ has joined the corporate finance and securities practice of the Northern Virginia office of Venable Baetjer Howard & Civiletti.

LAURA WOODHEAD is Senior Corporate Counsel for Genitope Corporation, a Redwood City biotechnology company focusing on active immunotherapies for the treatment of cancer.

CLASS OF 1996

KRISTIN ANDERSON-SNYDER is an associate with Sidley Austin Brown & Wood in San Francisco.

CHRIS FAYE is a patent/IP attorney/in-house counsel for a technology company. He and his wife, Jennifer (Fenolio), have moved to Germany for the next two to four years.

ERIC JOHNSON is a staff attorney for the Ninth Circuit Court of Appeals in San Francisco.

MICHAEL NELSON became a shareholder in Resolution Law Group and has now moved to Indianapolis, Indiana, where he is managing shareholder of the Midwest office. He continues to specialize in environmental and insurance law.

JOHN RAMIREZ was elevated to partner with the Costa Mesa-based law firm of Rutan & Tucker, where he handles litigation involving cable and telecommunication law.

ALIA SAMAD-SALAMEH, currently the Director of Labor Relations for Albertsons, Inc., writes that she has spent the last year negotiating a multitude of labor contracts for Albertsons. Formerly with the San Francisco firm of Schachter, Kristoff, Orenstein & Berkowitz, Samad-Salameh has been serving on the Bar Association of San Francisco Labor and Employment Executive Committee for the past four years.

CLASS OF 1997

RUDOLPH BEHRMANN was profiled in the *New York Law Journal* on January 10, 2003, in an article entitled "That's Life in Small-Firm Union Practice: Young Lawyers Find Good Work, Autonomy in Representing Prison Guards' Group." Behrmann is with the 28-lawyer labor firm Koehler & Isaacs in New York and works on behalf of the New York City Correction Officers' Benevolent Association.

J. SCOTT BONAGOFISKY is an associate in the litigation practice group with Morgan Lewis in San Francisco.

DAVID BROWNSTEIN joined Enenstein, Russell & Saltz in Los Angeles, where he specializes in bankruptcy law.



**ERIC DAVIS AND
ROBERTO LARA '97**

ERIC DAVIS and **ROBERTO LARA** have formed Davis & Lara LLP, a civil litigation and trial firm based in Los Angeles emphasizing business, employment, personal injury/product

liability, and real estate litigation. Davis was formerly a litigator with the Los Angeles office of Reed Smith Crosby Heafey. Lara was formerly a litigator with the Los Angeles office of Nossaman, Guthner, Knox & Elliott.

BRUCE EADS is a Director of the Alameda County Bar Association.

ALFRED SPIELMANN, Deputy Public Defender for Santa Clara County, and his wife, Kellie, welcomed their first child, Naomi Rachel Spielmann, on September 6, 2002.

LISA WEIL has joined Cox, Castle & Nicholson's San Francisco office.

LISA WONG joined the corporate and securities group at Baker & McKenzie in San Francisco in February 2003. She was married in June 2003 to Ian Loo, a graduate of the Columbia Law School Class of 1997.

CLASS OF 1998

ALISSA CHACKO was elected an associate member of the management committee at Shartsis Friese & Ginsburg in San Francisco.

MAUREEN BURKE COBARR has joined Cairncross & Hempelmann in Seattle.

ELIZABETH DORMAN is an appellate judicial attorney in the chambers of the Hon. Conrad Rushing, Presiding Justice of the California Court of Appeal, Sixth Appellate District, in San Jose.

CATHERINE LEE is a Director of the Alameda County Bar Association and also provides *pro bono* legal assistance to clients of the Alameda County Bar Association's Volunteer Legal Services Corporation.

KRISTA MARTINELLI is an associate in the litigation department of Pillsbury Winthrop in the firm's Palo Alto office.

CIARAN O'SULLIVAN has joined the San Francisco office of Nossaman, Guthner, Knox & Elliott.

GLENN VON TERSCH has joined Perkins Coie in Menlo Park, where he practices intellectual property law, including patent prosecution and intellectual property litigation.

BRIAN WALSH was appointed Deputy Attorney General in the Correctional Law Section of the Criminal Law Division of the California Department of Justice in San Francisco.

CLASS OF 1999

JONATHAN BERGER is a staff attorney in the Santa Rosa office of California Rural Legal Assistance, specializing in housing and employment law.

JANET BERRY is a felony narcotics prosecutor in Santa Clara County and also works on asset-forfeiture cases as well.

SANDY CHUN has joined the Los Angeles office of Haight, Brown & Bonesteel.

SARAH CHUN married Joseph C. Brown, Jr. on January 19, 2003, at the Turtle Bay Resort on the north shore of Oahu, Hawaii. Fellow Hastings '99 alumni in attendance were

JOSH GRUSHKIN, DAVID HO, SHIRLEY LEE, SYDNEY LEUNG, PRASANNA RASIAH, MARCO TORRES, JULIE VANDERSLUIS, AND HOAN (DEE) VO. The couple lives in Bellevue, Washington.

PATRICK DUDLEY has a solo criminal defense practice in San Diego.

MICHAEL JOHNSON has moved to an in-house legal position at NetScreen Technologies in Sunnyvale.

LESLIE KUYKENDALL writes in March that she is "nearing the end of a two-year clerkship for Judge Cathy Cochran on the Texas Court of Criminal Appeals." (Texas bifurcates appellate review of civil and criminal cases. The Texas Supreme Court is the highest appellate court for civil cases;

the Texas Court of Criminal Appeals is the state's highest appellate court for criminal cases.) "I could never have imagined as a first-year how true it is that cases live and die on procedural points. In a capital punishment state like Texas, of course, the stakes are especially high."

CHRIS MORROW is an associate with Sedgwick, Detert, Moran & Arnold in Irvine.

DANIEL O'CONNOR has left London-based Workshare Technology, where he was Vice President of Business Development, and joined Matthews Media Group, an Omnicom Group Company. O'Connor joins as Vice President and will be spearheading the launch of a spin-off company called FindingCures, Inc. He is now based in the Washington, D.C., area.

JAMES ROBERTSON has left the firm of Rosner, Law & Mansfield and is proud to announce the formation of his new firm, McCoy, Turnage & Robertson, in San Diego. Robertson and his new firm practice in the area of consumer protection—including unfair and deceptive trade practices, warranty, and lemon law. The firm works with aggrieved consumer plaintiffs throughout Southern California.

PETER SEEGER has joined the San Francisco firm of McQuaid Bedford & Van Zandt as an associate.

CLASS OF 2000

JESSICA BARSOTTI has started a website business called BriefSmart, a Web portal that blends e-commerce with a Web publishing system that allows anyone in the legal profession to sell forms, software, or litigation documents while retaining all rights to the intellectual property and controlling both price and use of the document.

IN MEMORIAM

GEORGE W. BALL '52

HENRY V. CLEARY '51

ALEXANDER B.T. COBB '71

HON. WILLIAM J. HARRIS '51

FRANK E. HOWARD '56

HON. JONATHAN H. LINK '72

ROY LOWER '49

THOMAS F. OEHRLEIN '74

JUDITH A. OLJEY '83

JOSEPH C. RHINE '63

JEFFREY BROWNING, an associate with GnazzoThill, was appointed Vice Chair of the business and commercial law section of the Bar Association of San Francisco's Barristers' Club.

KELLY COLE, an associate with Stoel Rives specializing in environmental and natural resource law, recently transferred from the San Francisco office to the Seattle office.

ROSS DREYER has joined Brown & Bain in Phoenix.

THOMAS TUNNY is an associate in the San Francisco office of Allen Matkins in the firm's environmental and natural resources practice group, where his practice focuses on litigation and transactions in all aspects of land use and planning law.

CLASS OF 2001

MICHELE HAYDEL joined Morgan Lewis in February 2002 along with the other attorneys in her labor and employment practice group at Brobeck, Phleger & Harrison.

JOHN HENDRICKSON and wife Jennifer welcomed baby girl Jordan Elizabeth on April 27, 2003.

JED PHILLIPS is an associate with Fenwick & West in Mountain View.

SAMUEL WARD has joined the San Diego office of Barrack Rodos & Bacine, a Philadelphia-based firm that specializes in representing institutional investors in securities class actions.

CLASS OF 2002

CHAD CHAHBAZI is an associate with the international law firm Dechert in its newly opened Palo Alto office.

IMRAN HAYAT has joined the eminent domain group in the Los Angeles office of Nossaman, Guthner, Knox & Elliott.

ROBERT HODIL is an associate with Morrison & Foerster in the firm's Walnut Creek office.

BRIAN JAZAERI has joined Morgan Lewis in San Francisco.

COURTNEY KING joined Boornazian Jensen & Garthe in Oakland in January 2003.

DOMINIC MAFFEI has joined O'Melveny & Myers in San Francisco.

SEONG SEO has joined Murphy Austin Adams Schoenfeld in Sacramento as an associate in the health care law group. She previously served as a judicial extern for Judge Phyllis J. Hamilton of the U.S. District Court for the Northern District of California.

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Job Type:	<input type="checkbox"/> Permanent/Post-JD	<input type="checkbox"/> Temporary/Contract	<input type="checkbox"/> Summer	<input type="checkbox"/> Fall Semester	<input type="checkbox"/> Spring Semester
Job Term:	<input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time (Hours/Week) _____				
Qualifications:	<input type="checkbox"/> Attorney (Bar) <input type="checkbox"/> Grad (JD) <input type="checkbox"/> 1st Year Student <input type="checkbox"/> 2nd Year Student <input type="checkbox"/> 3rd Year Student				
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Application Deadline: _____		Salary: \$ _____			
Response Method:	<input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> E-Mail <input type="checkbox"/> No Phone Calls, Please				
Application Materials Required:	<input type="checkbox"/> Cover Letter & Résumé <input type="checkbox"/> Transcript <input type="checkbox"/> Writing Sample <input type="checkbox"/> References <input type="checkbox"/> Other (specify) _____				

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MARK YOUR CALENDAR...

DECEMBER 5, 2003	SAN FRANCISCO NEW BAR ADMITTEES CELEBRATION AND HOLIDAY PARTY
JANUARY 22, 2004	HAWAII NEW BAR ADMITTEES RECEPTION
FEBRUARY 27, 2004	FOUNDERS DAY ALUMNUS-OF-THE-YEAR LUNCHEON AND 1066 FOUNDATION ANDERSON LECTURE
APRIL 3, 2004	REUNIONS 2004 - CLASSES OF '30s, '40s, '50, '51, '52, '53, '54, '59, '64, '69, '74, '79, '84, '89, '94
APRIL 6, 2004	CLARA FOLTZ ALUMNAE-OF-THE-YEAR RECEPTION

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